

# ATTACHMENT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL  
SOFTWARE ANTITRUST LITIGATION  
(NO. II)**

**Case No. 3:23-MD-3071  
MDL No. 3071**

**This Document Relates to:  
Multifamily Cases**

**3:22-cv-01082  
3:23-cv-00326  
3:23-cv-00330  
3:23-cv-00331  
3:23-cv-00332  
3:23-cv-00333  
3:23-cv-00334  
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3:23-cv-00419  
3:23-cv-00440  
3:23-cv-00445  
3:23-cv-00552**

**Chief Judge Waverly D. Crenshaw, Jr.**

**DECLARATION OF MICHAELA L. WALLIN IN SUPPORT OF  
PLAINTIFFS' MOTION TO APPOINT INTERIM CO-LEAD COUNSEL  
FOR THE MULTIFAMILY PLAINTIFF CLASS**

I, MICHAELA L. WALLIN, declare as follows:

1. I am a shareholder at Berger Montague PC (“Berger”), counsel of record for Plaintiffs Lauren Ashley Morgan, Erik Barnes, Sherry Bason, Lois Winn, Georges Emmanuel Njong Diboki, Julia Sims, and Sophia Woodland (“Plaintiffs”) in the above-captioned matter. I have personal knowledge of the facts stated in this declaration and would competently testify thereto, if called upon.

2. Berger (with co-counsel) began investigating the allegations underpinning the first complaint filed in the RealPage, Inc., Rental Software Antitrust Litigation in August 2021.

3. The investigation included extensive factual research on the development of algorithmic pricing in the multifamily rental market, RealPage’s marketing of its services, property managers’ use of RealPage’s pricing, and the impact of RealPage on rental prices.

4. In a project I led, our team collected information from sixteen confidential informants (CIs) from October 2021 through January 2022. These CIs included former employees of lessors and of RealPage. Proposed Co-Leads spoke with additional CIs starting in October 2022 after filing the first complaint.

5. Our team purchased detailed data on the multifamily rental housing market and hired experts to develop estimates of the scope of adoption of coordinated pricing algorithms, among other information.

6. Over several months, our team worked to assess the alleged cartel’s impact on rental prices in dozens of the nation’s largest metro areas.

7. In September 2022, realizing the vast scope of this case, Berger brought in Lieff Cabraser Heimann & Bernstein, LLP (“Lieff”) and Hausfeld LLP (“Hausfeld”) as partners. The firms planned to file a complaint in short order.

8. After *ProPublica* published an article exposing at a high level the role of RealPage on October 15, 2022, Berger, Lieff, and Hausfeld filed the first complaint in this litigation only three days later.

9. A true and correct copy of the firm resume of Berger Montague PC is attached as Exhibit A.

10. A true and correct copy of the firm resume of Lieff Cabraser Heimann & Bernstein, LLP is attached as Exhibit B.

11. A true and correct copy of the firm resume of Hausfeld LLP is attached as Exhibit C.

12. A true and correct copy of the firm resume of Stranch, Jennings & Garvey, PLLC is attached as Exhibit D.

13. A true and correct copy of the firm resume of Hagens Berman Sobol Shapiro LLP is included in connection with its Application for Appointment as Lead Counsel on Behalf of the Student Renter Plaintiffs (filed concurrently).

14. A true and correct copy of the firm resume of Cotchett, Pitre & McCarthy, LLP is attached as Exhibit E.

15. A true and correct copy of the firm resume of DiCello Levitt LLC is attached as Exhibit F.

16. A true and correct copy of the firm resume of Edelson PC is attached as Exhibit G.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 6th day of June, 2023, at Philadelphia, Pennsylvania.

/s/ Michaela L. Wallin  
Michaela L. Wallin



# **EXHIBIT**

## **A**



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## About Berger Montague

Berger Montague is a full-spectrum class action and complex civil litigation firm, with nationally known attorneys highly sought after for their legal skills and commitment to justice. The Firm has been recognized by federal and state courts across the country for its ability and expertise in handling major complex litigation, particularly in the fields of antitrust, securities, mass torts, civil and human rights, whistleblower cases, employment, and consumer litigation. The Firm has played a principal role in numerous precedent-setting cases, including a number of the largest and most successful antitrust class actions.

Berger Montague has received repeated praise and recognition from its peers, clients, courts, and leading publications. The *National Law Journal* selected Berger Montague in 12 out of 14 years (2003-2005, 2007-2013, 2015-2016) for its "Hot List" of top plaintiffs-oriented litigation firms in the United States. The *National Law Journal* ended its "Hot List" award in 2017 and replaced it with "Elite Trial Lawyers," for which Berger Montague was selected in 2018-2021. The Firm has been recognized by *The Legal Intelligencer*, Chambers & Partners, U.S News and Best Lawyers, and the Legal 500 for its outstanding legal skills and success in complex litigations. In 2023, Berger Montague was a finalist for "Law Firm of the Year" and was honored with five professional excellence awards by *The Legal Intelligencer*.

In antitrust litigation, Berger Montague has been repeatedly selected by *Chambers and Partners* as one of Pennsylvania's top antitrust firms, including in its most recent 2023 *Chambers USA* Guide. *Chambers USA 2023* states that Berger Montague's antitrust practice group is "a preeminent force in the Pennsylvania antitrust market, offering expert counsel to clients from a broad range of industries." And *The Legal 500*, a guide to worldwide legal services providers, ranked Berger Montague as a Top Law Firm for Antitrust: Civil Litigation/Class Actions: Plaintiff in the United States in its 2022 guide.

Berger Montague's attorneys have been individually recognized for their legal expertise. Many of the Firm's lawyers have been selected as "Super Lawyers" and "Rising Stars" by Thomson Reuters. Numerous attorneys have received the Martindale-Hubbell AV peer-reviewed rating, which is the highest possible rating that is awarded to less than 5% of the nation's lawyers. The Firm's attorneys have also been recognized by Lawdragon, *The Legal Intelligencer*, and Pennsylvania Law Weekly for their legal excellence.

Berger Montague is based in Philadelphia, with offices in Washington, DC; Chicago; Minneapolis; San Diego; San Francisco; and Toronto, Canada. Currently, the Firm consists of 84 lawyers, 19 paralegals, and an experienced support staff. There are few firms in the United States that can match the Firm's breadth of practice and reputation in the field of plaintiff class actions and commercial litigation.

## History of the Firm

Berger Montague was founded in 1970 by the late David Berger to concentrate on the representation of plaintiffs in antitrust class actions. David Berger helped pioneer the use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts. The Firm's nationally recognized lawyers have represented both plaintiffs and defendants in these and other areas and have recovered billions of dollars for the Firm's clients.

The Firm has been involved in a series of notable cases, some of them among the most important in the last 50 years of civil litigation. For example, the Firm was one of the principal counsel for plaintiffs in the *Drexel Burnham Lambert/Michael Milken* securities and bankruptcy litigation. Claimants in these cases recovered approximately \$2 billion in the aftermath of the collapse of the junk bond market and the bankruptcy of Drexel in the late 1980's. The Firm was also among the principal trial counsel in the *Exxon Valdez Oil Spill* litigation in Anchorage, Alaska, a trial resulting in a record jury award of \$5 billion against Exxon, later reduced by the U.S. Supreme Court to \$507.5 million. Berger Montague was lead counsel in the *School Asbestos Litigation*, in which a national class of secondary and elementary schools recovered in excess of \$200 million to defray the costs of asbestos abatement. The case was the first mass tort property damage class action certified on a national basis. Berger Montague was also lead class counsel and lead trial counsel in the *Cook v. Rockwell International Corporation* litigation arising out of a serious incident at the Rocky Flats nuclear weapons facility in Colorado.

Additionally, in the human rights area, the Firm, through its membership on the executive committee in the *Holocaust Victim Assets Litigation*, helped to achieve a \$1.25 billion settlement with the largest Swiss banks on behalf of victims of Nazi aggression whose deposits were not returned after the Second World War. The Firm also played an instrumental role in bringing about a \$4.37 billion settlement with German industry and government for the use of slave and forced labor during the Holocaust.

## Expertise and Case Profiles

While the Firm's success and expertise spans several practice areas, this submission is limited to the Firm's antitrust practice, which is most relevant to the Court's consideration.

Berger Montague is credited with pioneering the modern antitrust class action in the United States and has litigated many of the most significant civil antitrust cases alleging price fixing and monopoly abuse. The Firm has served as lead, co-lead, or co-trial counsel for many of the most significant civil antitrust cases over the last 50 years. Notable settlements include *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (approximately \$5.6 billion settlement); *In re Namenda Direct Purchaser Antitrust Litigation* ( \$750 million settlement); *King Drug Co. v. Cephalon, Inc.* (\$512 million settlement); *In re Capacitors Antitrust Direct Purchaser Litigation* (settlements totaling \$604.55 million); *In re Domestic Drywall Antitrust Litigation* (settlements of over \$190 million); *In re Commodity Exchange, Inc. Gold Futures & Options Trading Litigation* (settlements of \$152 million); and *In re Opana ER Litigation* (\$145 million settlement).

As a result of Berger Montague's successes and the skill, reputation, and experience of the Firm's antitrust lawyers, Berger Montague is routinely appointed by federal courts as lead or co-lead counsel in the most significant and complex antitrust class action cases on behalf of businesses and consumers.

Significant antitrust cases litigated by the Firm include:

- ***In re Capacitors Antitrust Direct Purchaser Litigation:*** Berger Montague represented a class of direct purchasers of electrolytic and film capacitors alleging that nearly two dozen overseas manufacturers, with sprawling corporate families based almost entirely in Japan, colluded for over a decade in a conspiracy to fix prices for aluminum, tantalum, and film capacitors worldwide, including in the U.S. Class settlements totaled \$604.55 million.
- ***In re Commodity Exchange, Inc. Gold Futures & Options Trading Litigation:*** Berger Montague represented a class of sellers of certain gold investments alleging that the five banks that conducted the London Gold Fixing conspired to suppress the London PM Fix benchmark price for gold, causing their investments to be sold at an artificially low price. Settlements totaled \$152 million.
- ***In re Currency Conversion Fee Antitrust Litigation:*** Berger Montague, as one of two co-lead counsel, spearheaded a class action lawsuit alleging that the major credit cards had conspired to fix prices for foreign currency conversion fees imposed on credit card transactions. After eight years of litigation, a settlement of \$336 million was approved in October 2009, with a Final Judgment entered in November 2009. Following the resolution of eleven appeals, the District Court, on October 5, 2011, directed distribution of the settlement funds to more than 10 million timely filed claimants—one of the largest classes

of claimants in an antitrust consumer class action. A subsequent settlement with American Express increased the settlement amount to \$386 million. (MDL No. 1409 (S.D.N.Y)).

- ***In re Dental Supplies Antitrust Litigation:*** Berger Montague served as co-lead counsel for a class of dental practices and dental laboratories in *In re Dental Supplies Antitrust Litigation*, a suit brought against the three largest distributors of dental supplies in the United States. On September 7, 2018, co-lead counsel announced that they agreed with defendants to settle on a class-wide basis for \$80 million. The settlement received final approval on June 24, 2019. The suit alleged that the defendants, who collectively control close to 90 percent of the dental supplies and equipment distribution market, conspired to restrain trade and fix prices at anticompetitive levels, in violation of the Sherman Act. In furtherance of the alleged conspiracy, plaintiffs claimed that the defendants colluded to boycott and pressure dental manufacturers, dental distributors, and state dental associations that did business with or considered doing business with the defendants' lower-priced rivals. The suit claimed that, because of the defendants' anticompetitive conduct, members of the class were overcharged on dental supplies and equipment. In a 2019 Fairness Hearing, Judge Brian M. Cogan of the U.S. District Court for the Eastern District of New York said: "This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs' lawyers in this case who were running it."
- ***In re Domestic Drywall Antitrust Litigation:*** Berger Montague served as co-lead counsel on behalf of a class of direct purchasers of drywall, in a case alleging that the dominant manufacturers of drywall engaged in a conspiracy to fix drywall prices in the U.S. and to abolish the industry's long-standing practice of limiting price increases for the duration of a construction project through "job quotes." Berger Montague represented a class of direct purchasers of drywall from defendants for the period from January 1, 2012 to January 31, 2013. USG Corporation and United States Gypsum Company (collectively, "USG"), New NGC, Inc., Lafarge North America Inc., Eagle Materials, Inc., American Gypsum Company LLC, TIN Inc. d/b/a Temple-Inland Inc., and PABCO Building Products, LLC were named as defendants in this action. On August 20, 2015, the district court granted final approval of two settlements—one with USG and the other with TIN Inc.—totaling \$44.5 million. On December 8, 2016, the district court granted final approval of a \$21.2 million settlement with Lafarge North America, Inc. On February 18, 2016, the district court denied the motions for summary judgment filed by American Gypsum Company, New NGC, Inc., Lafarge North America, Inc., and PABCO Building Products. On August 23, 2017, the district court granted direct purchaser plaintiffs' motion for class certification. On January 29, 2018, the district court granted preliminary approval of a joint settlement with the remaining defendants—New NGC, Inc., Eagle Materials, Inc., American Gypsum Company LLC, and PABCO Building Products, LLC—for \$125 million. The settlement received final approval on July 17, 2018, bringing the total amount of settlements for the class to \$190.7 million.

- ***In re Marchbanks Truck Service Inc., et al. v. Comdata Network, Inc.***: Berger Montague served as co-lead counsel in an antitrust class action brought on behalf of a class of thousands of Independent Truck Stops (“Independents”). The lawsuit alleged that defendant Comdata Network, Inc. (“Comdata”) had monopolized the market for specialized Fleet Cards used by long-haul truckers. Comdata imposed anticompetitive provisions in its agreements with Independent Truck Stops that artificially inflated the fees Independents paid when accepting the Comdata’s Fleet Card for payment. These contractual provisions, commonly referred to as anti-steering provisions or merchant restraints, barred Independents from taking various competitive steps that could have been used to steer fleets to rival payment cards. The settlement for \$130 million and valuable prospective relief was preliminarily approved on March 17, 2014, and finally approved on July 14, 2014. In its July 14, 2014 order approving Class Counsel’s fee request, entered contemporaneously with its order finally approving the settlement, the Court described this outcome as “substantial, both in absolute terms, and when assessed in light of the risks of establishing liability and damages in this case.”
  
- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation***: Berger Montague served as co-lead counsel for a national class including millions of merchants in the *Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* against Visa, MasterCard, and several of the largest banks in the U.S. (e.g., Chase, Bank of America, and Citi). The lawsuit alleged that merchants paid excessive fees to accept Visa and MasterCard cards because the payment cards, individually and together with their respective member banks, violated the antitrust laws. The challenged conduct included, *inter alia*, the collective fixing of interchange fees and adoption of rules that hindered any competitive pressure by merchants to reduce those fees. The lawsuit further alleged that defendants maintained their conspiracy even after both Visa and MasterCard changed their corporate forms from joint ventures owned by member banks to publicly-owned corporations following commencement of this litigation. On September 18, 2018, after thirteen years of hard-fought litigation, Visa and MasterCard agreed to pay as much as approximately \$6.26 billion, but no less than approximately \$5.56 billion, to settle the case. This result is the largest-ever class action settlement of an antitrust case. The settlement received preliminary approval on January 24, 2019. The settlement received final approval on December 16, 2019, for approximately \$5.6 billion.
  
- ***Johnson, et al. v. AzHHA, et al.***: Berger Montague was co-lead counsel in this litigation on behalf of a class of temporary nursing personnel, against the Arizona Hospital and Healthcare Association and its member hospitals, for agreeing and conspiring to fix the rates and wages for temporary nursing personnel, causing class members to be underpaid. The court approved \$24 million in settlements on behalf of this class of nurses.
  
- ***Ross, et al. v. Bank of America (USA) N.A., et al.***: Berger Montague, as lead counsel for the cardholder classes, obtained final approval of settlements reached with Chase, Bank of America, Capital One and HSBC, on claims that the defendant banks unlawfully acted in concert to require cardholders to arbitrate disputes, including debt collections,

and to preclude cardholders from participating in any class actions. The case was brought for injunctive relief only. The settlements removed arbitration clauses nationwide for 3.5 years from the so-called “cardholder agreements” for over 100 million credit card holders. This victory for consumers and small businesses came after nearly five years of hard-fought litigation, including obtaining a decision by the Court of Appeals reversing the order dismissing the case, and it aids consumers and small businesses in their ability to resist unfair and abusive credit card practices. In June 2009, the National Arbitration Forum (or “NAF”) was added as a defendant. Berger Montague also reached a settlement with NAF. Under that agreement, NAF ceased administering arbitration proceedings involving business cards for a period of three and one-half (3.5) years, which relief is in addition to the requirements of a Consent Judgment with the State of Minnesota that NAF entered on July 24, 2009.

The Firm has also played a leading role in many cases in the pharmaceutical industry, especially in cases involving the delayed entry of generic competition. Over the past decade, the Firm has achieved over \$2 billion in settlements for plaintiffs in these pharmaceutical cases. Notable pharmaceutical antitrust cases litigated by the Firm include:

- ***In re Aggrenox Antitrust Litigation:*** Berger Montague represented a class of direct purchasers of Aggrenox in an action alleging that defendants delayed the availability of less expensive generic Aggrenox through, *inter alia*, unlawful reverse payment agreements. The case settled for \$146 million.
- ***In re Celebrex (Celecoxib) Antitrust Litigation:*** The Firm represented a class of direct purchasers of brand and generic Celebrex (celecoxib) in an action alleging that Pfizer, in violation of the Sherman Act, improperly obtained a patent for Celebrex from the U.S. Patent and Trademark Office in a scheme to unlawfully extend patent protection and delay market entry of generic versions of Celebrex. The case settled for \$94 million.
- ***In re K-Dur Antitrust Litigation:*** Berger Montague served as co-lead counsel for the class in this long-running antitrust litigation. Berger Montague litigated the case before the Court of Appeals and won a precedent-setting victory and continued the fight before the Supreme Court. On remand, the case settled for \$60.2 million.
- ***In re Loestrin 24 Fe Antitrust Litigation:*** Berger Montague served as co-lead counsel for the class of direct purchasers of brand Loestrin, generic Loestrin, and/or brand Minastrin. The direct purchaser class alleged that defendants violated federal antitrust laws by unlawfully impairing the introduction of generic versions of the prescription drug Loestrin 24 Fe. The case settled shortly before trial for \$120 million.
- ***In re: Namenda Direct Purchaser Antitrust Litigation:*** Berger Montague served as co-lead counsel for the class in this antitrust action brought on behalf of a class of direct purchasers of branded and/or generic Namenda IR and/or branded Namenda XR. It



settled for \$750 million on the very eve of trial. The \$750 million settlement received final approval on May 27, 2020, and is the largest single-defendant settlement ever for a case alleging delayed generic competition.

- ***In re Opana ER Litigation:*** Berger Montague served as co-lead counsel for the certified class alleging that defendants entered into a pay-for-delay agreement whereby Impax delayed the launch of its generic Opana ER product in exchange for valuable consideration from Endo, resulting in class members suffering overcharge damages. After eight years of hard-fought litigation, the class and Impax settled as trial commenced (and proceeded against Endo), reaching what Judge Leininweber described as an “excellent” settlement, valued at \$145 million.
- ***In re Skelaxin Antitrust Litigation:*** Berger Montague was among a small group of firms litigating on behalf of direct purchasers of the drug Skelaxin. The case settled for \$73 million.
- ***In re Solodyn Antitrust Litigation:*** Berger Montague served as co-lead counsel representing a class of direct purchasers of brand and generic Solodyn (extended-release minocycline hydrochloride tablets) alleging that defendants entered into agreements not to compete in the market for extended-release minocycline hydrochloride tablets in violation of the Sherman Act. With a final settlement on the eve of trial, the case settled for a total of more than \$76 million.
- ***In re Tricor Antitrust Litigation:*** Berger Montague was one of a small group of counsel in a case alleging that the manufacturer of this drug was paying its competitors to refrain from introducing less expensive generic versions of Tricor. The case settled for \$250 million.
- ***King Drug Co. v. Cephalon, Inc.:*** Berger Montague played a major role (serving on the executive committee) in this antitrust class action on behalf of direct purchasers of the prescription drug Provigil (modafinil). After nine years of hard-fought litigation, the court approved a \$512 million partial settlement, then the largest settlement ever for a case alleging delayed generic competition. Subsequent non-class settlements pushed the total settlement figure even higher.
- ***Meijer, Inc., et al. v. Abbott Laboratories:*** Berger Montague served as co-lead counsel in a class action on behalf of pharmaceutical wholesalers and pharmacies charging Abbott Laboratories with illegally maintaining monopoly power and overcharging purchasers in violation of the federal antitrust laws. Plaintiffs alleged that Abbott had used its monopoly with respect to its anti-HIV medicine Norvir (ritonavir) to protect its monopoly power for another highly profitable Abbott HIV drug, Kaletra. This antitrust class action settled for \$52 million after four days of a jury trial in federal court in Oakland, California.

## Judicial Praise for Berger Montague Attorneys in Antitrust Litigation

Berger Montague's record of successful prosecution of antitrust class actions has been recognized and commended by judges and arbitrators across the country. Some remarks on the skill, efficiency, and expertise of the firm's attorneys are excerpted below.

- From **Judge Lorna G. Schofield**, of the U.S. District Court for the Southern District of New York:

"I'm not sure I've ever seen a case without a single objection or opt-out, so congratulations on that."

Transcript of the November 19, 2020 Hearing in ***Contant, et al. v. Bank of America Corp., et al.***, No. 1:17-cv-03139 (S.D.N.Y.).

- From **Judge William E. Smith**, of the U.S. District Court for the District of Rhode Island:

"The degree to which you all litigated the case is – you know, I can't imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max. So you, both sides, I think litigated the case as vigorously as any group of attorneys could. The level of representation of all parties in terms of the sophistication of counsel was, in my view, of the highest levels. I can't imagine a case in which there was really a higher quality of representation across the board than this one."

Transcript of the August 27, 2020 Hearing in ***In re Loestrin 24 Fe Antitrust Litigation***, No. 13-md-02472 (D.R.I.).

- From **Judge Margo K. Brodie**, of the U.S. District Court for the Eastern District of New York:

"Class counsel has without question done a tremendous job in litigating this case. They represent some of the best plaintiff-side antitrust groups in the country, and the size and skill of the defense they litigated against cannot be overstated. They have also demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required..."

***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation***, No. 1:05-md-01720 (E.D.N.Y. 2019) (Mem. & Order).

- From **Judge Brian M. Cogan**, of the U.S. District Court of the Eastern District of New York:

“This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs’ lawyers in this case who were running it.”

Transcript of the June 24, 2019 Fairness Hearing in ***In re Dental Supplies Antitrust Litigation***, No. 16-cv-696 (E.D.N.Y.).

- From **Judge Michael M. Baylson**, of the U.S. District Court of the Eastern District of Pennsylvania:

“[C]ounsel...for direct action plaintiffs have done an outstanding job here with representing the class, and I thought your briefing was always very on point. I thought the presentation of the very contentious issues on the class action motion was very well done, it was very well briefed, it was well argued.”

Transcript of the June 28, 2018 Hearing in ***In re Domestic Drywall Antitrust Litigation***, No. MD-13-2437 at 11:6-11.

- From **Judge Madeline Cox Arleo**, of the U.S. District Court for the District of New Jersey praising the efforts of all counsel:

“I just want to thank you for an outstanding presentation. I don’t say that lightly . . . it’s not lost on me at all when lawyers come very, very prepared. And really, your clients should be very proud to have such fine lawyering. I don’t see lawyering like this every day in the federal courts, and I am very grateful. And I appreciate the time and the effort you put in, not only to the merits, but the respect you’ve shown for each other, the respect you’ve shown for the Court, the staff, and the time constraints. And as I tell my law clerks all the time, good lawyers don’t fight, good lawyers advocate. And I really appreciate that more than I can express.”

Transcript of the September 9 to 11, 2015 Daubert Hearing in ***Castro v. Sanofi Pasteur***, No. 11-cv-07178 (D.N.J.) at 658:14-659:4.

- From **Judge William H. Pauley, III**, of the U.S. District Court of the Southern District of New York:

“Class Counsel did their work on their own with enormous attention to detail and unflagging devotion to the cause. Many of the issues in this litigation . . . were unique and issues of first impression.”

\* \* \*

“Class Counsel provided extraordinarily high-quality representation. This case raised a number of unique and complex legal issues .... The law firms of Berger Montague and Coughlin Stoia were indefatigable. They represented the Class with a high degree of professionalism, and vigorously litigated every issue against some of the ablest lawyers in the antitrust defense bar.”

***In re Currency Conversion Fee Antitrust Litigation***, 263 F.R.D. 110, 129 (2009).

- From **Judge Faith S. Hochberg**, of the U.S. District court for the District of New Jersey:

“[W]e sitting here don’t always get to see such fine lawyering, and it’s really wonderful for me both to have tough issues and smart lawyers ... I want to congratulate all of you for the really hard work you put into this, the way you presented the issues, ... On behalf of the entire federal judiciary I want to thank you for the kind of lawyering we wish everybody would do.”

***In re Remeron Antitrust Litig.***, Civ. No. 02-2007 (Nov. 2, 2005).

- From **Judge Jan DuBois**, of the U.S. District Court of the Eastern District of Pennsylvania:

“[T]he size of the settlements in absolute terms and expressed as a percentage of total damages evidence a high level of skill by petitioners ... The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does so again.”

***In re Linerboard Antitrust Litig.***, 2004 WL 1221350, at \*5-\*6 (E.D. Pa. 2004).

- From **Judge Nancy G. Edmunds**, of the U.S. District Court of the Eastern District of Michigan:

“[T]his represents an excellent settlement for the Class and reflects the outstanding effort on the part of highly experienced, skilled, and hard working Class Counsel. . . . [T]heir efforts were not only successful, but were highly organized and efficient in addressing numerous complex issues raised in this litigation[.]”

***In re Cardizem CD Antitrust Litig.***, MDL No. 1278 (E.D. Mich., Nov. 26, 2002).

- From **Judge Charles P. Kocoras**, of the U.S. District Court for the Northern District of Illinois:

“The stakes were high here, with the result that most matters of consequence were contested. There were numerous trips to the courthouse, and the path to the trial court and the Court of Appeals frequently traveled. The efforts of counsel for the class has [sic] produced a substantial recovery, and it is represented that the cash settlement alone is the second largest in the history of class action litigation. . . . There is no question that the results achieved by class counsel were extraordinary [.]”

Regarding the work of Berger Montague in achieving more than \$700 million in settlements with some of the defendants in ***In Re Brand Name Prescription Drugs Antitrust Litigation***, 2000 U.S. Dist. LEXIS 1734, at \*3-\*6 (N.D. Ill. Feb. 9, 2000).

- From **Judge Peter J. Messitte**, of the U.S. District Court for the District of Maryland:

“The experience and ability of the attorneys I have mentioned earlier, in my view in reviewing the documents, which I have no reason to doubt, the plaintiffs’ counsel are at the top of the profession in this regard and certainly have used their expertise to craft an extremely favorable settlement for their clients, and to that extent they deserve to be rewarded.”

Settlement Approval Hearing, Oct. 28, 1994, in ***Spawd, Inc. and General Generics v. Bolar Pharmaceutical Co., Inc.***, CA No. PJM-92-3624 (D. Md.).

- From **Judge Donald W. Van Artsdalen**, of the U.S. District Court for the Eastern District of Pennsylvania:

“As to the quality of the work performed, although that would normally be reflected in the not immodest hourly rates of all attorneys, for which one would expect to obtain excellent quality work at all times, the results of the settlements speak for themselves. Despite the extreme uncertainties of trial, plaintiffs’ counsel were able to negotiate a cash settlement of a not insubstantial sum, and in addition, by way of equitable relief, substantial concessions by the defendants which, subject to various condition, will afford the right, at least, to lessee-dealers to obtain gasoline supply product from major oil companies and suppliers other than from their respective lessors. The additional benefits obtained for the classes by way of equitable relief would, in and of itself, justify some upward adjustment of the lodestar figure.”

***Bogosian v. Gulf Oil Corp.***, 621 F. Supp. 27, 31 (E.D. Pa. 1985).

- From **Judge Robert B. Krupansky**, who had been elevated to the Sixth Circuit Court of Appeals:

“Finally, the court unhesitatingly concludes that the quality of the representation rendered by counsel was uniformly high. The attorneys involved in this litigation are extremely experienced and skilled in their prosecution of antitrust litigation and other complex actions. Their services have been rendered in an efficient and expeditious manner, but have nevertheless been productive of highly favorable result.”

***In re Art Materials Antitrust Litigation***, 1984 CCH Trade Cases ¶ 65,815 (N.D. Ohio 1983).

- From **Judge Joseph Blumenfeld**, of the U.S. District Court for the District of Connecticut:

“The work of the Berger firm showed a high degree of efficiency and imagination, particularly in the maintenance and management of the national class actions.”

***In re Master Key Antitrust Litigation***, 1977 U.S. Dist. LEXIS 12948, at \*35 (Nov. 4, 1977).

## Attorneys Leading Berger Montague's Team in the RealPage Litigation

### Eric L. Cramer – Chairman

Eric L. Cramer is Chairman of Berger Montague and Co-Chair of its antitrust department. He has a national practice in the field of complex litigation, primarily in the area of antitrust class actions. Mr. Cramer currently leads multiple significant antitrust class actions around the United States—including representing mixed martial arts fighters against the UFC; broiler chicken growers against major chicken integrator companies; healthcare workers against two hospitals in Pennsylvania; the City of Asheville and other governmental entities against HCA/Mission Hospital in North Carolina; current and former students of elite universities against those universities; and internet publishers against Google. He is responsible for winning numerous significant settlements for his clients totaling well over \$3 billion.

In 2020, *Law360* named Mr. Cramer a Titan of the Plaintiffs Bar, and *Who's Who Legal* identified him as a Global Elite Thought Leader, stating that he “comes recommended by peers as a top name for antitrust class action proceedings.” In 2021, *Chambers & Partners* ranked Mr. Cramer in the top tier nationally in antitrust, observing that “He excels in economic analysis. He is a real leader,” and that he has “a great presence in court and at trial,” and is at the “[t]op of the profession; a phenomenal lawyer who is an expert on economics.” He was identified as a “Distinguished Leader” by *The Legal Intelligencer* in 2023 and as a “Lawyer of the Year” by *Best Lawyers* in 2022. In 2019, *The National Law Journal* awarded Mr. Cramer the Keith Givens Visionary Award, which was developed to honor an outstanding trial lawyer who has moved the legal industry forward. In 2017, he won the American Antitrust Institute's Antitrust Enforcement Award for Outstanding Antitrust Litigation Achievement in Private Law Practice for his work in *Castro v. Sanofi Pasteur Inc.*, No. 11-cv-07178 (D.N.J.).

Mr. Cramer has been active in several organizations supporting access to justice. He is a long-time board member and former President of Public Justice; is on the advisory board of the American Antitrust Institute, and co-chairs its annual private antitrust enforcement conference; is a former President of COSAL, which advocates for aggressive private enforcement of the antitrust laws.

Mr. Cramer has also written widely in the fields of class certification and antitrust law. Among other writings, Mr. Cramer has co-authored *Antitrust, Class Certification, and the Politics of Procedure*, 17 *George Mason Law Review* 4 (2010), which was cited by both the First Circuit in *In re Nexium Antitrust Litig.*, 777 F.3d 9, 27 (1st Cir. 2015), and the Third Circuit in *Behrend v. Comcast Corp.*, 655 F.3d 182, 200, n.10 (3d Cir. 2011).

Mr. Cramer is a *summa cum laude* graduate of Princeton University (1989), where he earned membership in *Phi Beta Kappa*. He graduated *cum laude* from Harvard Law School with a J.D. in 1993.

### **Daniel J. Walker – Shareholder**

Dan Walker is a Shareholder of the Firm, which he rejoined after three years at the Federal Trade Commission. Mr. Walker leads the Firm's Washington, D.C. office and has been named a “Washington, DC Super Lawyer” from 2020-2023.

During his time in private practice, Mr. Walker has litigated cases on behalf of plaintiffs and defendants in many areas of law, including antitrust, financial fraud, breach of contract, bankruptcy, and intellectual property. Mr. Walker has helped recover hundreds of millions of dollars on behalf of plaintiffs, including in *In re Titanium Dioxide Antitrust Litigation* (with settlements totaling \$163.5 million for purchasers of titanium dioxide), *In re High Tech Employee Antitrust Litigation* (with settlements totaling \$435 million for workers in the high tech industry), and *Adriana Castro, M.D., P.A., et al. v. Sanofi Pasteur Inc.*, No. 11-cv-07178 (D.N.J.) (with a \$61.5 million settlement for purchasers of pediatric vaccines). Mr. Walker was also a member of the team that recovered the funds lost by account holders during MF Global's collapse and a member of the trial team that successfully represented the Washington Mutual stockholders seeking to recover investments lost in the bankruptcy.

Mr. Walker's current cases include, among others, *In re: Broiler Chicken Grower Antitrust Litig. (No. II)*, 6:20-md-02977 (E.D. Okla.), in which he represents a class of chicken farmers in a pay suppression case against major chicken processors, where class counsel have obtained class settlements totaling \$69 million against four of the five defendants. Mr. Walker is also co-lead counsel in a series of hospital monopolization cases, including a case in which he represents cities and counties in North Carolina in a class action against a major health system alleging inflated prices and reduced quality of care.

While at the Federal Trade Commission, Mr. Walker investigated and litigated antitrust matters in the health care industry. In addition to leading various nonpublic investigations in the pharmaceutical and health information technology sectors, Mr. Walker litigated *Federal Trade Commission v. AbbVie Inc., et al.*, a case alleging that a brand pharmaceutical manufacturer engaged in sham patent litigation to delay generic competition, and *Federal Trade Commission v. Cephalon Inc.*, a “pay-for-delay” lawsuit over a brand pharmaceutical manufacturer's payment to four generic competitors in return for the generics' agreement to delay entry into the market. The *Cephalon* case settled shortly before trial for \$1.2 billion—the largest equitable monetary relief ever secured by the Federal Trade Commission—as well as significant injunctive relief.

In addition, Mr. Walker has spoken frequently on antitrust issues, including on the intersection of antitrust and intellectual property.

Mr. Walker is a *magna cum laude* graduate of Amherst College and Cornell University Law School, where he was an Articles Editor for the Cornell Law Review. Before entering private practice, Mr. Walker clerked for the Honorable Richard C. Wesley of the United States Court of Appeals for the Second Circuit.



**Michaela Wallin – Shareholder**

Michaela Wallin is a Shareholder in the Antitrust and Employment Law practice groups. Ms. Wallin litigates complex cases on behalf of workers, consumers, businesses, and public entities, with a focus on antitrust and labor matters.

Ms. Wallin has played significant roles in class actions challenging anticompetitive conduct in a variety of industries, including conspiracies to fix the prices of commodities, to suppress workers' wages, and to keep less-expensive generic pharmaceuticals off the market. Ms. Wallin also litigates wage and hour class and collective actions arising under federal and state law.

Ms. Wallin has robust experience investigating and developing antitrust cases, navigating complex legal and factual issues, negotiating discovery, synthesizing and distilling conspiracy evidence, and working with experts. Ms. Wallin has played significant roles in litigation that has achieved notable recoveries for classes harmed by anticompetitive conduct, including *In re Broiler Chicken Grower Antitrust Litigation* (\$51.25 million in settlements to date) and *In re Opana ER Antitrust Litigation* (\$145 million in settlements). Ms. Wallin was recently named by *Best Lawyers* in its 2023 list of "Ones to Watch."

Prior to joining the Firm, Ms. Wallin served as a law clerk for the Honorable James L. Cott of the United States District Court of the Southern District of New York. She also completed an Equal Justice Works Fellowship at the ACLU Women's Rights Project, where she challenged local laws that target domestic violence survivors for eviction and impede tenants' ability to call the police.

Ms. Wallin is a graduate of Columbia Law School, where she was a Harlan Fiske Stone Scholar. She graduated *magna cum laude* from Bowdoin College, where she was Phi Beta Kappa and a Sarah and James Bowdoin Scholar.

# **EXHIBIT**

## **B**

# Lieff Cabraser Firm Resume

## LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

Lieff Cabraser Heimann & Bernstein, LLP is a 125+ attorney AV-rated law firm founded in 1972 with offices in San Francisco, New York, Nashville, and Munich. We have a diversified practice successfully representing plaintiffs throughout the U.S. and Europe in the fields of antitrust, personal injury and mass torts, securities and financial fraud, employment discrimination and unlawful employment practices, product defect, consumer protection, antitrust, environmental and toxic exposures, False Claims Act, digital privacy and data security, abuse and sexual abuse cases, and civil and human rights. Our clients include individuals, classes, and groups of people, businesses, and public and private entities.

Lieff Cabraser has served as Court-appointed Plaintiffs' Lead or Class Counsel in state and federal coordinated, multi-district, and complex litigation throughout the United States. The Firm has, often with co-counsel, represented clients from across the globe in cases filed in American Courts and in foreign jurisdictions.

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**Lieff  
Cabraser  
Heimann &  
Bernstein**

Attorneys at Law

# ANTITRUST

At the forefront of landmark cases promoting fair competition in the marketplace, Lieff Cabraser assists companies, governments, consumers, and workers affected by anticompetitive conduct by assessing market circumstances and advising whether and how to pursue legal action. When we advise litigation, our track record reflects remarkable successes for our clients.

## Representative Current Cases

### ***IN RE GOOGLE PLAY STORE ANTITRUST LITIGATION*, NO. 3:21-MD-02981 (N.D. Cal.)**

Partner Brendan Glackin currently serves as lead trial counsel to a coalition of 39 States prosecuting antitrust claims against Google for unlawful maintenance of a monopoly on Android app distribution and Android in-app billing services. Mr. Glackin is working on special assignment as a Special Assistant Attorney General for the State of Utah. The case is set for trial in 2023.

### ***DALE, ET AL. V. DEUTSCHE TELEKOM AG, ET AL.*, NO. 1:22-CV-03189 (N.D. Ill.)**

Lieff Cabraser and co-counsel represent a proposed class of AT&T and Verizon subscribers in a federal class action against Deutsche Telekom, T-Mobile, and SoftBank Group challenging the merger of T-Mobile and Sprint.

That merger reduced the overall number of mobile carriers in the U.S. from four to three and thereby removed all meaningful incentives for competition between the three

remaining behemoths: the new T-Mobile, AT&T, and Verizon.

In bringing this action, plaintiffs seek to restore competition in one of the world's largest and most concentrated markets. Every consumer and small business in the U.S. market is paying the price of this anticompetitive merger, including AT&T and Verizon customers.

### ***IN RE OUTPATIENT MEDICAL CENTER EMPLOYEE ANTITRUST LITIGATION*, NO. 1:21-CV-00305-ARW-SRH (N.D. Ill.)**

Lieff Cabraser is Interim Co-Lead Counsel for plaintiffs in a consolidated federal class action lawsuit against medical care centers Surgical Care Affiliates, United Surgical Partners International, Inc., and Davita, Inc. for agreeing not to compete for each other's employees. As a result, defendants suppressed plaintiffs' compensation and mobility. This civil case comes in the wake of federal criminal indictments charging SCA and Davita with violating the antitrust laws.

### ***IN RE MISSION HEALTH ANTITRUST LITIGATION*, NO. 1:22-CV-00114-MR-WCM (W.D.N.C.)**

Lieff Cabraser and co-counsel represent the city of Asheville, North Carolina and other cities and counties in litigation against HCA Healthcare/ Mission Health alleging the hospital giant is abusing its market power to prevent insurers from offering patients financial incentives to use lower cost or higher quality services offered by competitors. Mission Health's conduct has reduced competition and inflated reimbursement rates to insurers.

### ***IN RE CALIFORNIA BAIL BOND ANTITRUST LITIGATION*, NO. 3:19-CV-00717-JST (N.D. Cal.)**

Lieff Cabraser serves as Interim Lead Class Counsel for a proposed class of bail bond purchasers in California. Plaintiffs in this first-of-its-kind class action antitrust case allege that bail sureties and bail agents have conspired to unlawfully inflate California bail bond premiums since 2004.

### ***SCHWAB SHORT-TERM BOND MARKET FUND, ET AL. V. BANK OF AMERICA CORP., ET AL.*, NO. 11 CV 6409 (S.D.N.Y.); *CHARLES SCHWAB BANK, N.A., ET AL. V. BANK OF AMERICA CORP., ET AL.*, NO. 11 CV 6411 (S.D.N.Y.); *SCHWAB MONEY MARKET FUND, ET AL. V. BANK OF AMERICA CORP., ET AL.*, NO. 11 CV 6412 (S.D.N.Y.); *THE CHARLES SCHWAB CORP., ET AL. V. BANK OF AMERICA CORP., ET AL.*, NO. 13 CV 7005 (S.D.N.Y.); AND *BAY AREA TOLL AUTHORITY V. BANK OF AMERICA CORP., ET AL.*, NO. 14 CV 3094 (S.D.N.Y.) (COLLECTIVELY, "LIBOR")**

Lieff Cabraser serves as counsel for The Bay Area Toll Authority ("BATA", The Charles Schwab Corporation, and certain Schwab Funds in individual lawsuits against Bank of America Corporation, Credit Suisse Group AG, JPMorgan Chase & Co., Citibank, Inc., and additional banks for allegedly manipulating the London Interbank Offered Rate ("LIBOR").



Plaintiffs allege that beginning in 2007, defendants conspired to understate their true costs of borrowing, causing the calculation of LIBOR to be set artificially low. As a result, Schwab, the Schwab Funds, and BATA received less than their rightful rates of return on their LIBOR-based investments.

The complaints assert defendants violated federal antitrust laws, the federal Racketeer Influenced and Corrupt Organizations Act, and the statutory and common law of California. The actions were transferred to the Southern District of New York for consolidated proceedings in the LIBOR multidistrict litigation pending there.

**IN RE TELESCOPES ANTITRUST LITIGATION, NO. 5:20-CV-03639-EJD (N.D. Cal.)**

We serve as Interim Lead Counsel for indirect purchasers of amateur telescopes. Plaintiffs challenge collusion by the two major telescope manufacturers Synta and Ningbo, who have a combined 80 percent share of the U.S. telescope market.

Plaintiffs allege defendants have carried out a price-fixing and market allocation scheme to monopolize the consumer telescope market. Consumer telescope purchasers have paid hundreds of millions of dollars in illegal overcharges since at least 2005 as a result.



**IN RE GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION, MDL NO. 2724 (E.D. PA.)**

Beginning in February 2015, Lieff Cabraser conducted an extensive investigation into dramatic price increases of certain generic prescription drugs. Lieff Cabraser filed the first case alleging price-fixing of one of the most widely prescribed drugs in the world: Levothyroxine, the primary treatment for hypothyroidism. Lieff Cabraser also played a significant role in similar *Si eg lfe Ua` UWd [ Y* Propranolol and Clomipramine.

These cases, and others, were consolidated and transferred to the Eastern District of Pennsylvania as  *DW9 W WdU BZSd` SUWgf US` BqU[ Y 3` f fcbgef > [f YS fja` , MDL No. 2724.* Lieff Cabraser is a member of the End-Payer Plaintiffs' Steering Committee. *FZWUSdWUZS`W YWV [ fZ[e USEWZSe T VWV VWdUdTW Se \_ aef Tj Wk fZW`SdY Wef USdW`[ fZW Z[efack aXfZWG` [fW EfsfWz*

**IN RE LITHIUM-ION BATTERIES ANTITRUST LITIGATION, MDL NO. 2420 (N.D. CS^)**

Lieff Cabraser serves as Co-Lead Counsel representing indirect purchasers in a class action filed against LG, GS Yuasa, NEC, Sony, Sanyo, Panasonic, Hitachi, LG Chem, Samsung, Toshiba, and Sanyo for allegedly conspiring from 2002 to 2011 to fix the prices of lithium-ion rechargeable batteries.

6 defendants are the world's leading manufacturers of lithium-ion rechargeable batteries, which power virtually every laptop computer, cellphone, tablet, and other portable consumer electronic product. As a result of defendants' anticompetitive conduct, consumers across the U.S. paid artificially inflated prices for lithium-ion rechargeable batteries. Lieff Cabraser and co-counsel have reached settlements totaling \$113.45 million with all defendants.



**IN RE RESTASIS ANTITRUST LITIGATION, MDL NO. 2819 (E.D.N.Y.)**

Lieff Cabraser serves as Co-Lead Counsel for a certified class of third-party payors and consumers of Restasis, a blockbuster drug used to treat dry-eye disease. Plaintiffs challenge pharmaceutical giant Allergan's scheme to delay generic competition by listing invalid patents and sham transfer of those patents with the FDA. This conduct denied consumers competition from generic equivalents to Restasis that would have been just as safe and cheaper. Lieff Cabraser achieved a \$30 million settlement.

**INTERNATIONAL ANTITRUST CASES**

Lieff Cabraser has significant experience in European antitrust litigation. Partner Dr. Katharina Kolb heads the firm's Munich office and European litigation practice.

One of the firm's major international antitrust cases involves the European truck cartel, which the European Commission fined more than €3.8 billion for colluding on prices and emission technologies for more than 14 years. Lieff Cabraser is working with a range of funders to prosecute the claims of persons damaged by the European truck cartel.

Lieff Cabraser is also prosecuting the German quarto steel cartel, the German plant pesticides cartel, and the French meal voucher cartel.

**IN RE DOMESTIC AIRLINE TRAVEL  
ANTITRUST LITIGATION, NO. 1:15-  
MC-01404 (D.C.)**

Lieff Cabraser represents consumers in a class action lawsuit against the four largest U.S. airline carriers: American Airlines, Delta Air, Southwest, and United. These airlines account for over 80 percent of all domestic airline travel. Plaintiffs seek to restore competition in this market after years of collusion by defendants restrained capacity and increased prices.

Plaintiffs have successfully opposed defendants' motion to dismiss and settled with Southwest Airlines.

**IN RE CAPACITORS ANTITRUST  
LITIGATION, NO. 3:14-CV-03264  
(N.D. Cal.)**

Lieff Cabraser is a member of the Plaintiffs' Steering Committee representing indirect purchasers in a class action against the world's largest capacitor manufacturers. Plaintiffs allege that defendants price fixed one of the most common

electronic components in the world: capacitors, trillions of which are made each year for use in electrical devices like computers, phones, and appliances.

Lieff Cabraser has played a central role in discovery and opposing defendants' motions to dismiss and motions for summary judgment. Plaintiffs have settled with NEC Tokin Corp., Nitsuko Electronics Corp., Okaya Electric Industries Co., Ltd., Hitachi Chemical, and Soshin Electric Co., Ltd.

## ANTITRUST – Representative Achievements & Successes

**IN RE HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION, NO. 11 CV  
2509 (N.D. Cal.)**

Lieff Cabraser served as Co-Lead Class Counsel in a lawsuit alleging that Adobe Systems Inc., Apple Inc., Google Inc., Intel Corporation, Intuit Inc., Lucasfilm Ltd., and Pixar restricted recruiting of each other's employees to suppress their employees' pay.

Plaintiffs prevailed in seeking certification of a class approximately 64,000 persons strong who worked in defendants' technical, creative, and/or research and development jobs from 2005-2009. Following certification, Lieff Cabraser went on to secure total settlements of \$435 million, the largest recovery by an employee class against private employers in history.



The *Daily Journal* described the case as "the most significant antitrust employment case in recent history," adding that it "has been widely recognized as a legal and public policy breakthrough."

**CIPRO CASES I AND II, JCCP NOS.  
4154 AND 4220 (Cal. Supr. Ct.)**

Lieff Cabraser represented California consumers and third party payors in a class action lawsuit in California state court charging that Bayer Corporation, Barr Laboratories, and other generic prescription drug manufacturers conspired to delay entry of generics for Bayer's blockbuster antibiotic drug Ciprofloxacin, sold as Cipro.

When the trial court granted defendants' motion for summary judgment, Lieff Cabraser appealed and eventually sought review by the California Supreme Court. In its reversal of the order granting summary judgment, that Court resoundingly endorsed the rights of consumers to challenge pharmaceutical pay-for-delay settlements under California competition law.

After working to the brink of trial, Lieff Cabraser secured settlements totaling \$399 million (exceeding plaintiffs' damages estimate by approximately \$68 million), a result the trial court found "extraordinary."

In its final approval, the trial court added that it was "not aware of any case" that "has taken roughly 17 years," where, net of fees, end-payor "claimants will get basically 100 cents on the dollar[.]"

**IN RE TFT-LCD (FLAT PANEL)  
ANTITRUST LITIGATION, MDL NO.  
1827 (N.D. Cal.)**

Lieff Cabraser served as Co-Lead Counsel for two certified direct purchaser classes in litigation against the world's leading manufacturers of Thin Film Transistor Liquid Crystal Displays. TFT-LCDs are used in flat-panel televisions as well as computer monitors, laptop computers, mobile phones, and other devices. Plaintiffs challenged defendants' conspiracy to raise the prices of TFT-LCD panels and certain products containing those panels for over a decade, resulting in overcharges to purchasers of those panels and products.

After negotiating settlements with all defendants except Toshiba, Lieff Cabraser tried the case against that defendant and obtained a favorable jury verdict. Lieff Cabraser achieved total settlements over \$470 million.



**NASHVILLE GENERAL V. MOMENTA PHARMACEUTICALS, ET AL., NO.**

3:15-CV-01100 (M.D. Tenn.)

Lieff Cabraser represented AFCSME DC 37 and the Nashville General Hospital as sole Lead Counsel in a class action against defendants Momenta Pharmaceuticals and Sandoz, Inc. for allegedly monopolizing Enoxaparin, the generic version of the blood clotting drug Lovenox.

The complaint alleged that defendants colluded to bring the official batch-release testing standard for generics within the ambit of their patent, delaying the entry of the second generic competitor, a never-before-tried theory of liability.

In 2019, the court certified a class of hospitals, third-party payors, and uninsured persons in 29 states and DC. Six weeks before trial, Lieff Cabraser obtained a \$120 million settlement, the second largest indirect-purchaser antitrust pharmaceutical settlement after *Cipro*.

**MEIJER V. ABBOTT LABORATORIES, NO. C 07-5985 CW (N.D. Cal.)**

Lieff Cabraser served as co-counsel for a group of retailers charging that Abbott Laboratories monopolized the market for AIDS medicines used in conjunction with Abbott's prescription drug Norvir.



These drugs, known as Protease Inhibitors, help patients with HIV fight off the disease and live longer.

Plaintiffs successfully opposed Abbott's motion for summary judgment, and the case proceeded to trial. Lieff Cabraser served a trial counsel. After opening statements and the presentation of four witnesses to the jury, Abbott settled the case for \$52 million.

**SEAMAN V. DUKE UNIVERSITY, NO. 1:15-CV-00462 (M.D. N.C.)**

Lieff Cabraser represented Dr. Danielle M. Seaman and a certified class of over 5,000 academic doctors at Duke and UNC in a class action lawsuit against Duke University and the UNC Health Care System. Dr. Seaman and the class charged that Duke and UNC entered into a secret agreement not to compete for each other's faculty.

Lieff Cabraser achieved a \$54.5 million settlement. The settlement also included an unprecedented role for the United States Department of Justice to monitor and enforce extensive injunctive relief.

**BINOTTI V. DUKE UNIVERSITY, CASE NO. 1:20-CV-00470 (M.D. N.C.)**

Lieff Cabraser represented a class of thousands of non-medical faculty members in a second lawsuit alleging that Duke University and UNC illegally agreed not to compete for each other's non-medical faculty employees, suppressing plaintiffs' compensation and mobility. Lieff Cabraser obtained a \$19 million settlement.

**MARCHBANKS TRUCK SERVICE V. COMDATA NETWORK, NO. 07-CV-01078 (E.D. Pa.)**

Lieff Cabraser was Co-Lead Counsel for a class of independent truck stops against Comdata, its parent company Ceridian LLC, and three national truck stop chains. Comdata is the dominant issuer of fleet payment cards used by truckers to make purchases at truck stops.



Plaintiffs charged that defendants entered into an agreement that Comdata would charge higher transaction fees on purchases at independent truck stops than on purchases at the defendant chain truck stops.

Lieff Cabraser secured a \$130 million settlement. The firm also obtained injunctive relief that will promote competition among payment cards used by over-the-road fleets and truckers.

**IN RE RAILWAY INDUSTRY EMPLOYEE NO-POACH ANTITRUST LITIGATION, MDL NO. 2850 (W.D. Pa.)**

Lieff Cabraser served as Co-Lead Class Counsel for employees in litigation against rail equipment companies Knorr-Bremse and Wabtec, the world's dominant rail equipment suppliers. Plaintiffs charged that defendants agreed not to compete for each other's employees. Plaintiffs' vigorous prosecution of the case led to \$48.95 million in settlements.

**HALEY PAINT CO. V. E.I. DUPONT DE NEMOURS AND CO., ET AL., NO. 10-CV-00318-RDB (D. Md.)**

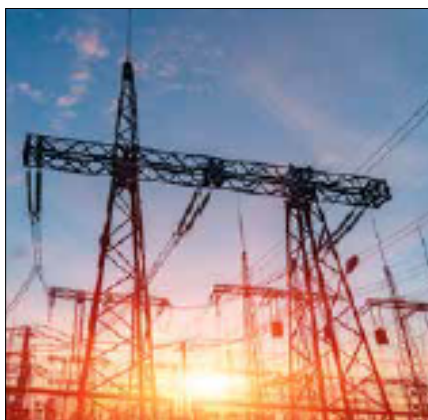
Lieff Cabraser served as Co-Lead Counsel for direct purchasers of titanium dioxide in a nationwide class action lawsuit against E.I. Dupont De Nemours and Co., Huntsman International LLC, Kronos Worldwide Inc., and Cristal Global (fka Millennium Inorganic Chemicals, Inc..

Plaintiffs alleged a global cartel to fix the price of titanium dioxide, the world's most widely used pigment for providing whiteness and brightness in paints, paper, plastics, and other products.

Unlike some antitrust class actions, plaintiffs prosecuted this global cartel without the benefit of any government investigation. They overcame attacks on the pleadings, discovery obstacles, a rigorous class certification process that required two full rounds of briefing and expert analysis, and multiple summary judgment motions. Lieff Cabraser prepared fully for trial and achieved settlement with the final defendant on the eve of trial. Plaintiffs recovered settlements totaling \$163 million.

**SULLIVAN V. DB INVESTMENTS, NO. 04-02819 (D. N.J.)**

Lieff Cabraser served as Class Counsel for consumers who purchased diamonds from 1994 through March 31, 2006, in a class action lawsuit against the De Beers group of companies. Plaintiffs challenged De Beers' conspiracy to monopolize the sale of rough diamonds in the U.S. After several years of litigation, plaintiffs finally brought De Beers to justice and vindicated the rights of consumers. Lieff Cabraser obtained a \$295 million settlement that included historic injunctive relief. The firm then successfully defended that settlement on appeal.



**NATURAL GAS ANTITRUST CASES, JCCP NOS. 4221, 4224, 4226 & 4228 (Cal. Supr. Ct.)**

Lieff Cabraser served as Plaintiffs' Co-Lead Counsel and Co-Liaison Counsel in Natural Gas Antitrust Cases I-IV. Lieff Cabraser secured a landmark \$1.1 billion settlement against El Paso Natural Gas Co. for manipulating the market for natural gas pipeline transmission capacity into California. The firm also obtained a \$67.39 million settlement from a group of natural gas suppliers and a \$92 million settlement with other energy suppliers for manipulating the price of natural gas during the California energy crisis of 2000-2001.

**WHOLESALE ELECTRICITY ANTITRUST CASES I & II, JCCP NOS. 4204 & 4205 (Cal. Supr. Ct.)**

Lieff Cabraser served as Co-Lead Counsel in the private class action litigation against Duke Energy Trading & Marketing, Reliant Energy, and The Williams Companies for claims they manipulated California's wholesale electricity markets during the California energy crisis of 2000-2001. Lieff Cabraser achieved settlements totaling \$1.066 billion.

**CALIFORNIA VITAMINS CASES, JCCP NO. 4076 (Cal. Supr. Ct.)**

Lieff Cabraser served as Co-Liaison Counsel and Co-Chairman of the Plaintiffs' Executive Committee on behalf of a class of California indirect vitamin purchasers alleging that vitamin manufacturers price fixed certain vitamins. Lieff Cabraser secured \$105 million in total settlements.



**IN RE LUPRON MARKETING AND SALES PRACTICES LITIGATION, MDL NO. 1430 (D. Mass.)**

Lieff Cabraser served as Co-Lead Plaintiffs' Counsel for a class of patients, insurance companies, and health and welfare benefit plans that paid for Lupron, a prescription drug used to treat prostate cancer, endometriosis, and precocious puberty. Plaintiffs challenged defendants' conspiracy to overstate the drug's average wholesale price, which caused them to pay more for Lupron than they would have paid in a competitive market. Lieff Cabraser achieved a \$150 million settlement.

**IN RE BUSPIRONE ANTITRUST LITIGATION, MDL NO. 1413 (S.D.N.Y.)**

Lieff Cabraser served as Co-Lead Counsel for individual consumers, consumer organizations, and third party payers that purchased BuSpar, a drug prescribed to alleviate symptoms of anxiety. Plaintiffs alleged that Bristol-Myers Squibb Co. paid a potential generic manufacturer to refrain from entering the market. Lieff Cabraser obtained a \$90 million settlement.



# FIRM ATTORNEYS

**BRENDAN P. GLACKIN**, Partner. Office: San Francisco. Practice Areas: Antitrust, Securities Fraud and Financial Fraud. Education: Harvard Law School (J.D. 1998, cum laude); University of Chicago (A.B. 1995, phi beta kappa).

Brendan P. Glackin chairs the firm's antitrust practice group. He has practiced antitrust law for nearly two decades and has tried more than 20 civil and criminal cases. His successes include the titanium dioxide antitrust class action (\$163.5 million in recovery); the liquid crystal displays (LCDs) price-fixing litigation (\$470 million in recovery); and the Norvir antitrust litigation. Mr. Glackin served as trial counsel in all three cases and, via LCDs, remains one of small number of plaintiff attorneys in America to have tried a class action antitrust case to a jury verdict. His work against price-fixing cartels has continued in the lithium ion batteries price-fixing litigation, where the firm serves as co-lead counsel.

Mr. Glackin leads Lieff Cabraser's work in the federal class action challenging the 2020 merger of T-Mobile and Sprint. The merger reduced the number of mobile carriers in the U.S. from four to three and significantly reduced competition among the new T-Mobile, AT&T, and Verizon. The lawsuit seeks damages and the restoration of competition in one of the world's largest and most concentrated markets.

Mr. Glackin serves on special assignment as lead trial counsel to a coalition of 39 attorneys general prosecuting Google for anticompetitive dominance of Android app distribution. He serves in that matter as a Special Assistant Attorney General for the State of Utah.

Mr. Glackin also has contributed groundbreaking work in litigation against drug makers for blocking access to affordable generics including the blockbuster brand-name prescription drug Cipro (\$399 million in recovery), which led to a 2016 "California Lawyer Attorney of the Year" (CLAY) award. He also served as lead counsel for Nashville General Hospital and District Council 37 in a case against Sandoz and Momenta Pharmaceuticals for monopolizing generic enoxaparin (\$120 million in recovery).

From 2019-2023, Mr. Glackin was named one of Lawdragon's 500 Leading Lawyers in America and The Daily Journal named him a Top Antitrust Lawyer in California in 2020. He has also been listed as a "Super Lawyer for Northern California" from 2013 to 2022.

Mr. Glackin's many contributions to the bar and the practice of law include the following. He annually teaches negotiation skills for the Practising Law Institute (PLI) as well as trial advocacy with the National Institute for Trial Advocacy (NITA). He serves as a Vice-Chair of the American Bar Association Section of Antitrust Law, Pricing Conduct Committee. He has been a past panelist at the ABA Antitrust Section Spring Meeting, the pre-eminent gathering of antitrust lawyers in the world. He routinely speaks, publishes, and teaches on antitrust issues.

**DEAN M. HARVEY**, Partner. Office: San Francisco. Practice Areas: Antitrust, Consumer Protection, Employment Discrimination and Unfair Employment Practices. Education: University of California, Berkeley, School of Law (J.D., 2006); University of Minnesota, Twin Cities (B.A., summa cum laude, 2002).

Dean represents workers, consumers, and businesses in antitrust and intellectual property cases.

Dean is among the nation's leading advocates for workers asserting antitrust claims. He is the Chair of Lieff Cabraser's Labor Antitrust Practice Group. He represented a nationwide class of over 64,000 high-tech workers against Google, Apple, Intel and other tech giants for conspiring to suppress the mobility and compensation of their technical employees. This landmark case resulted in the largest recovery (by far) of any class action asserting antitrust claims in the employment context: \$435 million. The *Daily Journal* described the case as the "most significant antitrust employment case in recent history," adding that it "has been widely recognized as a legal and public policy breakthrough." The case is the subject of a documentary: When Rules Don't Apply.

Dean was Lead Class Counsel of two classes of professors of Duke University and the University of North Carolina, Chapel Hill, regarding an understanding between the schools not to compete for each other's faculty. Those two cases resulted in settlements totaling \$73.5 million and unprecedented injunctive relief, including an important enforcement role for the United States Department of Justice. Assistant Attorney General Delrahim remarked: "Permitting the United States to become part of this settlement agreement in this private antitrust case, and thereby to obtain all of the relief and protections it likely would have sought after a lengthy investigation, demonstrates the benefits that can be obtained efficiently for the American worker when public and private enforcement work in tandem."

Dean was Co-Lead Class Counsel of a nationwide class of workers who alleged a conspiracy between the world's two leading rail equipment suppliers to suppress the pay of their employees. That case led to total settlements of \$48.95 million. He is also Interim Co-Lead Class Counsel regarding a nationwide class of skilled medical workers regarding agreements among the nation's leading outpatient medical centers not to compete for each other's workers.

Dean also represents consumers and small businesses in cases challenging price-fixing conspiracies, particularly regarding the exorbitant prices of prescription drugs. For example, the Cipro litigation led to a landmark (and unanimous) decision by the California Supreme Court upholding the rights of consumers to challenge backroom deals between brand name drug makers and generic manufacturers to eliminate competition for life-saving medications. That case led to total settlements of \$399 million, nearly \$68 million more than estimated damages. The trial court described the outcome as "extraordinary," adding that it was "not aware of any case" that "has taken roughly 17 years," where, net of fees, end-payor "claimants will get basically 100 cents on the dollar[.]" Currently, Dean represents a municipal public employee union and other proposed class members challenging a wide-ranging alleged conspiracy among generic drug makers to inflate the prices of many generic drugs. The conspiracy has been described as most likely the largest cartel in the history of the United States.

Dean is also Lead Interim Class Counsel for a proposed class of purchasers of bail bonds in California. This first-of-its-kind case alleges a conspiracy among sureties and bail agents to inflate bail bond prices.

Dean was a Law Clerk to the Honorable James V. Selna of the United States District Court for the Central District of California.

Dean has been recognized many times as among the leading antitrust litigators in California and the nation. In 2019, the American Antitrust Institute selected Dean for its “Outstanding Antitrust Litigation Achievement in Private Practice Award,” regarding his path-breaking work challenging a faculty no-poach agreement between Duke University and the University of North Carolina. The *Daily Journal* has twice named him as among the “Top Antitrust Lawyers in California,” and Dean was a 2016 *California Lawyer* “Attorney of the Year” in recognition of his role in the *Cipro* antitrust litigation. In 2006, Dean received the first annual William E. Swope Antitrust Writing Award for his paper, “Anticompetitive Social Norms as Antitrust Violations,” published by the *California Law Review*.

Dean has been an invited speaker at dozens of national conferences to provide his views on cutting-edge antitrust issues, including events convened by the Antitrust Division of the United States Department of Justice, the American Bar Association, the American Antitrust Institute, and Harvard Law School.

Dean is a member of the American Antitrust Institute’s Advisory Board, and serves as an antitrust expert assisting the California Law Revision Commission in its review of California antitrust law. Dean previously served as Co-Chair of the American Bar Association Section of Antitrust Law, Competition Torts Committee, and as a member of the Law360 Competition Editorial Advisory Board.

**MARK P. CHALOS**, Managing Partner, Nashville Office. Practice Areas: Consumer Protection, Defective Products, Employment Discrimination and Unfair Employment Practices, Personal Injury and Products Liability, Survivor Rights and Advocacy. Education: Emory University School of Law (J.D., 1998); Vanderbilt University (B.A., 1995).

The Managing Partner of Lieff Cabraser's Nashville office, Mark Chalos has been appointed to lead multidistrict litigations and class actions in federal and state courts throughout the country. Mark represents individuals who have suffered catastrophic personal injuries, as well as consumers, businesses, and municipalities that have been defrauded. Mark prosecutes product defect cases against U.S. and foreign corporations that make and sell allegedly defective or dangerous consumer products, ranging from automobiles to pharmaceutical drugs and devices.

Mark has obtained hundreds of millions of dollars for his clients in jury verdicts, arbitration rulings, and settlements.

To help fight the opioids catastrophe that has devastated communities across America, Mark represents large and small counties, cities, Native American tribes, and health benefit providers in litigation that seeks to make our communities safer. In addition to serving on the firm's court-appointed leadership team in the national opioids litigation, Mark recently served as trial counsel in the national bellwether trial on behalf of the City of San Francisco, which resulted in a successful verdict for his client.

Mark also represents families in communities that have been deprived of access to safe drinking water, including in Jackson, Mississippi, and Benton Harbor, Michigan, where residents have been exposed for years to water poisoned with lead and other contaminants.

Mark has been appointed to leadership roles in numerous complex civil proceedings, including: Co-Lead MDL Counsel, *In re Evenflo Co., Inc. Marketing, Sales Practices and Products Liability Litigation* (child booster seats), MDL 2938 (D. Mass); Co-Lead MDL Counsel and Co-Lead Trial Counsel, *In re Whirlpool Front Loading Washer Products Liability Litigation*, MDL 2001 (N.D. Ohio); Co-Lead Interim Class Counsel, *Miller v. Ford* (engine failures), Case No. 2:20-cv-01796 (E.D. Ca); Co-Lead Class Counsel, *Weidman v. Ford* (brake failures), Case No. 2:18-cv-12719 (E.D. MI); Co-Lead Class Counsel, *Alger v. FCA US, LLC* (exploding headrests), Case No. 2:18-CV-00360 (E.D. Ca); Co-Lead Counsel, *Brazier v. Michigan Department of Environment, Great Lakes, and Energy* (consolidated litigation re: lead contamination of Benton Harbor's water system), Case No. 22-000046-MM (Michigan Court of Claims); Plaintiffs Executive Committee, *Murphy v. Graco Children's Products* (child booster seats), Case No. 1:20-CV-03030-LMM (N.D. Ga.); Chair of MDL Expert Committee, *In re General Motors Air Conditioning Marketing and Sales Practices Litigation*, MDL 2818 (E.D. MI); Plaintiffs Steering Committee, *In re Exactech Polyethylene Orthopedic Products Liability Litigation*, MDL 3044 (EDNY); Plaintiffs Steering Committee, Federal/State Litigation Liaison, *In re New England Compounding Pharmacy, Inc. Products Liability Litigation* (fungal meningitis/infections), MDL 2419 (D. Mass); Plaintiffs Steering Committee and Co-Chair Plaintiffs Expert Committee, *In re Navistar Diesel Engine Product Liability Litigation*, MDL No. 2223 (N.D. Ill); and Plaintiffs Steering Committee, *In re Ford Switch Fire Litigation*, Texas state MDL, Travis County, Texas, Cause No. D-1-GN-08-000901. Mark also represents clients in many centralized litigations across the country.

An active member of the legal community, Mark serves as President of the Tennessee Trial Lawyers Association (formerly served as Vice-President, Secretary, and Treasurer of the organization), on its Board of Governors, and as a Trustee of the political action committee Lawyers Involved for Tennessee (LIFT). On the national level, Mark serves as Co-Chair of the American Association for Justice (AAJ) Class Action Litigation Group, serves as a Member of the AAJ Public Affairs Committee and is a Past-Chair of the AAJ Public Education Committee. Mark serves on the board of directors of the Tennessee Innocence Project, an organization dedicated to freeing wrongly convicted and incarcerated persons.

Mark and his co-authors recently updated their acclaimed book, *Litigating International Torts in United States Courts* (Thomson Reuters West, 2022 ed.), a practical resource for legal practitioners and judges. Mark has also authored a number of articles published in peer-reviewed journals, including articles in the national publications *TRIAL Magazine* and *The Trial Lawyer* on holding foreign companies accountable for injuries they cause in the U.S., and has served on the Law360 Product Liability Editorial Advisory Board, providing feedback on Law360's news coverage of the legal world.

Mark serves as an Adjunct Professor of Law at Vanderbilt Law School, teaching *The Practice of Aggregate Litigation*. Mark served as a Drafting Team Leader for "Guidelines And Best Practices For Large And Mass-Tort MDLs," (2d Edition, 2018), Bolch Judicial Institute, Duke Law School, as well as for "Discovery Proportionality Guidelines and Practices," 99 *JUDICATURE*, no. 3, Winter 2015, at 47–60, Duke Law Center for Judicial Studies. He also served on the Select Committee on Class Actions within Emory University School of Law's Institute for Complex Litigation and Mass Claims.

Mark is a frequent speaker at legal seminars nationwide on a variety of civil litigation topics.

He has also been cited by top-tier media outlets including *The New York Times*, *Wall Street Journal*, *Financial Times*, *The Washington Post*, NPR's *Morning Edition*, *Associated Press*, *Forbes*, *ABC News*, *CNN*, *CBS This Morning*, *FoxNews*, and *MSNBC*. Recently, Mark acted as legal analyst for a series of articles in *The Tennessean* regarding a nationally significant privacy trial based on illegal videos taken of a woman in a Nashville hotel by another hotel guest and distributed on the internet, leading to a \$55 million jury verdict for the plaintiff.

Mark has been named among *The Best Lawyers in America*, "Mid-South Super Lawyers," "Nashville's Best Lawyers," and *Nashville Business Journal's* "Best of the Bar." Mark has been included in *The Best Lawyers in America* via peer vote nationwide in the fields of "Mass Tort Litigation/Class Actions-Plaintiffs" from 2012 through 2023. Mark was named in the *Nashville Business Journal's* "Best of the Bar" from 2015-2017 and to the "Top 100: Tennessee Super Lawyers" for 2015 and 2019, a distinction for attorneys with the highest evaluations statewide. Mark was named an American Bar Foundation Fellow in 2016. The organization is dedicated to advancing justice through rigorous research on the law and membership is limited to 1% of attorneys in each state. Also from 2016-2022, Mark was listed as one of *Nashville Post's* lawyers "In Charge."

Mark is admitted to practice before the United States Supreme Court; United States Court of Appeals for the First, Sixth, and Seventh Circuits; the United States District Court for the Western, Middle, and Eastern Districts of Tennessee; the Northern District of Florida; and the courts of the State of Tennessee. He is a member of the American, Tennessee, and Nashville Bar Associations, as well as the American Association for Justice and Tennessee Trial Lawyers Association.

**KENNETH S. BYRD**, Partner. Office: Nashville. Practice Areas: Consumer Protection, Defective Products. Education: Boston College Law School (J.D., cum laude, 2004), Samford University (B.S., cum laude, 1995).

A partner based in our Nashville office, Kenneth S. Byrd is an experienced trial attorney at Lief Cabraser. Kenny represents clients in mass tort cases, defective product cases and consumer fraud litigation. He represents consumers in consumer class action cases as well as injured individuals and their loved ones in personal injury and wrongful death lawsuits filed across the country in state and federal courts. Kenny is also a member of Lief Cabraser's False Claim Act/Fraud on the Government practice group, assisting whistleblowers to stop fraud and the misuse of funds in government contracts and programs.

Kenny is currently a leader in groundbreaking national litigation filed on behalf of Tennessee governments and taxpayers, among many others, against opioid manufacturers and distributors in the wake of the ongoing national opioids crisis.

In 2019, Judge M. Casey Rodgers of the U.S. District Court for the Northern District of Florida appointed Kenny to the Early Vetting Committee in the nationwide product defect lawsuit against 3M relating to allegations that for over a decade, 3M provided defective earplugs to men and women in the U.S. military.

Over the past several years, Kenny has represented the families of deceased smokers in trials in Florida federal court against the tobacco companies for their 50-year conspiracy of misrepresenting the dangers of smoking cigarettes and for intentionally engineering the design of cigarettes to make them more addictive.

In 2013 and 2014, Kenny was the lead trial attorney in obtaining several substantial jury verdicts for smokers and their families, including a \$27 million jury verdict and a \$41 million jury verdict. These verdicts were ranked by The National Law Journal as among the Top 100 Verdicts of 2014. His verdicts paved the way to a \$100 million global settlement with Big Tobacco in 2015 on behalf of hundreds of gravely injured smokers in Florida.

In 2015, Kenny received the Tennessee Association for Justice's 2015 Paladin Award for his successful litigation against cigarette manufacturers. The Paladin Award is TAJ's highest honor and is given to the state's top trial lawyer of the year.

Kenny serves on the Board of Directors of the Tennessee Trial Lawyers' Association. Prior to joining Lief Cabraser, Kenny practiced as a litigation attorney at Harwell, Howard, Hyne, Gabbert & Manner, PC. He also worked as a reporter in Washington D.C., covering church-state and religious liberty matters at the White House, U.S. Supreme Court and Congress. Covering politicians as a reporter, he learned how to smell out lies and deception and uncover truth.

# EXHIBIT

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# HAUSFELD FIRM RESUME

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## About Hausfeld

In the last decade, Hausfeld attorneys have won landmark trials, negotiated complex settlements among dozens of defendants, and recovered billions of dollars for clients both in and out of court. Renowned for skillful prosecution and resolution of complex and class-action litigation, Hausfeld is the only claimants' firm to be ranked in the top tier of private enforcement of antitrust/competition law in both the United States and the United Kingdom by *The Legal 500* and *Chambers and Partners*. Our German office is also ranked by *The Legal 500* for general competition law.

From our locations in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Brussels, Düsseldorf, Stockholm, and London, Hausfeld contributes to the development of law in the United States and abroad in the areas of Antitrust/Competition, Commercial and Financial Disputes, Environmental and Product Liability, Human Rights, and Technology and Data Breach. Hausfeld attorneys have studied the global integration of markets—and responded with innovative legal theories and a creative approach to claims in developed and emerging markets.

Hausfeld was founded by Michael D. Hausfeld, who is widely recognized as one of the country's top civil litigators and a leading expert in the fields of private antitrust/competition enforcement and international human rights. *The New York Times* has described Mr. Hausfeld as one of the nation's "most prominent antitrust lawyers," while *Washingtonian* characterizes him as a lawyer who is "determined to change the world—and succeeding," noting that he "consistently brings in the biggest judgments in the history of law."

## Antitrust and competition litigation

Hausfeld's reputation for leading groundbreaking antitrust class actions in the United States is well-earned. Having helmed more than 40 antitrust class actions, Hausfeld attorneys are prepared to **litigate and manage cases with dozens of defendants** (*In re Blue Cross Blue Shield Antitrust Litigation*, with more than thirty defendants), **negotiate favorable settlements for class members and clients** (*In re Air Cargo Shipping Services Antitrust Litigation*, settlements of more than \$1.2 billion, and *In re Blue Cross Blue Shield Antitrust Litigation*, \$2.67 billion settlement), **take on the financial services industry** (*In re Foreign Exchange Antitrust Litigation*, with settlements of more than \$2.3 billion), take cartelists to trial (*In re Vitamin C Antitrust Litigation*, trial victory of \$162 million against Chinese manufacturers of Vitamin C), and **push legal boundaries where others have not** (*O'Bannon v. NCAA*, another trial victory in which the court found that NCAA rules prohibiting additional scholarship payments to players as part of the recruiting process are unlawful).



**Hausfeld is 'the world's leading antitrust litigation firm.'**

*Politico*

## Hausfeld: a global reach

Hausfeld's international reach enables it to advise across multiple jurisdictions and pursue claims on behalf of clients worldwide. Hausfeld works closely with clients to deliver outstanding results while always addressing their business concerns. Hausfeld does so by anticipating issues, considering innovative strategies, and maximizing the outcome of legal disputes in a way that creates shareholder value. The firm's innovative cross border solutions work to the benefit of the multinational companies it often represents.

### **Creative solutions to complex legal challenges**

Hausfeld lawyers consistently apply forward-thinking ideas and creative solutions to the most vexing global legal challenges faced by clients. As a result, the firm's litigators have developed numerous innovative legal theories that have expanded the quality and availability of legal recourse for claimants around the globe that have a right to seek recovery. Hausfeld's impact was recognized by the *Financial Times*, which honored Hausfeld's European team with the "Innovation in Legal Expertise - Dispute Resolution," award, which was followed up by FT commending Hausfeld's North American team for its innovative work in the same category. In addition, *The Legal 500* has ranked Hausfeld as the only top tier claimants firm in private enforcement of antitrust/competition law in both the United States and the United Kingdom. For example, the landmark settlement that Hausfeld negotiated to resolve claims against Parker ITR for antitrust overcharges on marine hoses was the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation—creating opportunities never before possible for dispute resolution and providing a new model for global cartel settlements going forward.

### **Unmatched global resources**

The firm combines its U.S. offices on both coasts and vibrant European presence with a broad and deep network around the globe to offer clients the ability to seek redress or confront disputes in every corner of the world and across every industry. With over 160 lawyers in offices in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Düsseldorf, Brussels, Stockholm, and London, Hausfeld is a "market leader for claimant-side competition litigation" (*The Legal 500*).



**A prominent litigation firm, renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues including monopolization, price manipulation and price fixing.**

*Chambers and Partners*



**Hausfeld, which 'commits extensive resources to the most difficult cases,' widely hails as one of the few market-leading plaintiff firms.**

*The Legal 500*



**Primarily in the antitrust capacity, Hausfeld is an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the 'V'.**

*Benchmark Litigation*

## Antitrust Litigation

### Hausfeld's antitrust litigation experience is unparalleled

Few, if any, U.S. law firms are litigating more class actions on behalf of companies and individuals injured by anticompetitive conduct than Hausfeld. The firm has litigated cases involving price-fixing, price manipulation, monopolization, tying, and bundling, through individual and class representation, and has experience across a wide variety of industries, including automotive, aviation, energy, financial services, food & beverage, healthcare, manufacturing, retail, and the transportation and logistics sectors. Clients rely on us for our antitrust expertise and our history of success in the courtroom, and at the negotiation table; the firm does not shy away from challenges, taking on some of the most storied institutions.



**Hausfeld, 'one of the most capable plaintiffs' firms involved in the area of civil cartel enforcement,' is [w]idely recognized as a market leader for claimant-side competition litigation... [It is the] market leader in terms of quantity of cases, and also the most advanced in terms of tactical thinking.**

*The Legal 500*

Hausfeld is not only trusted by its clients but also by judges to pursue these claims, as evidenced by the fact that the firm has been appointed as lead or co-lead counsel in dozens of antitrust cases in the last decade. In one example, Judge Morrison C. England of the Eastern District of California praised Hausfeld for having "the breadth of experience, resources and talent necessary to navigate" cases of import.

Recognizing the firm's antitrust prowess, *Global Competition Review* has opined that Hausfeld is "one of—if not the— top Plaintiffs' antitrust firm in the U.S." *The Legal 500* and

*Chambers and Partners* likewise consistently rank Hausfeld among the top five firms in the United States for antitrust litigation on behalf of plaintiffs.

### Hausfeld has achieved outstanding results in antitrust cases

Hausfeld lawyers have achieved precedent-setting legal decisions and historic trial victories, negotiated some of the world's most complex settlement agreements, and have collectively recovered billions of dollars in settlement and judgments in antitrust cases. Key highlights include:

- ***In re Foreign Exchange Benchmark Rates Antitrust Litig.*, 13-cv-7789 (S.D.N.Y.)**

Hausfeld served as co-lead counsel in this case alleging financial institutions participated in a conspiracy to manipulate a key benchmark in the foreign exchange market. To date, the firm has obtained over **\$2.3 billion** in settlements from **fifteen defendants**.

- ***In re LIBOR-Based Financial Instruments Antitrust Litig.*, No. 11-md-2262 (S.D.N.Y.)**

Hausfeld serves as co-lead counsel in this case against sixteen of the world's largest financial institutions for conspiring to fix LIBOR, the primary benchmark for short-term interest rates. To date, the firm has obtained **\$590 million** in settlements with four defendants. An antitrust class has been certified and the case is ongoing against the remaining defendants.

- ***In re Blue Cross Blue Shield Antitrust Litig.*, No. 13-mdl-2496 (N.D. Ala.)**

The Court appointed Hausfeld attorneys as co-lead counsel, and to the Plaintiffs' Steering Committee, in this case against Blue Cross Blue Shield entities. This case was brought against over 30 Blue Cross companies and its trade association (BCBSA), and alleges that they illegally agreed not to compete with each other for health insurance subscribers across the United States. After defeating motions to dismiss, Hausfeld marshalled evidence from a record that consisted of over **14 million documents** from more than thirty defendants and won a landmark ruling when the district court ruled that the *per se* standard would be applied to defendants' conduct. In November 2020, the Court granted preliminary approval

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to the proposed settlement agreement resolving the claims of Blue Cross Blue Shield subscribers for **\$2.67 billion**. In addition to monetary relief, the settlement proposes systemic injunctive relief that will change the landscape for competition in healthcare. The final \$2.67 billion settlement is the largest antitrust settlement in a case where the government had not itself prosecuted, investigated, or been part of the case at all.

- ***O'Bannon v. NCAA*, No. 09-cv-03329 (N.D. Cal.)**

In the landmark O'Bannon litigation, Hausfeld represented college athletes who collectively alleged that the NCAA, its members, and its commercial partners, violated federal antitrust law by unlawfully foreclosing former players from receiving any compensation related to the use of their names, images, and likenesses in television broadcasts, rebroadcasts, and videogames. In 2013, the plaintiffs announced a **\$40 million settlement** agreement with defendant Electronic Arts, Inc., which left the NCAA as the remaining defendant. Following trial in 2014, the Court determined that the NCAA had violated the antitrust laws and issued a permanent injunction. The Ninth Circuit affirmed the NCAA's violation of the antitrust laws and upheld significant injunctive relief—the practical effect of which is that college athletes can now each receive up to \$5,000 more every year as part of their scholarship package (to cover their education, travel and medical expenses, and acquire pre-professional training as they enter the work force).

- ***In re Vitamin C Antitrust Litig.*, No. 06-md-01738 (E.D.N.Y.)**

Hausfeld serves as co-lead counsel in the first class antitrust case in the United States against Chinese manufacturers. Hausfeld obtained settlements for the class of **\$22.5 million from two of the defendants**—the first after summary judgment, and the second just before closing arguments at trial. Days later, the jury reached a verdict against the remaining defendants, and the court entered a judgment for **\$148 million** after trebling the damages awarded. On appeal to the U.S. Supreme Court, our clients prevailed, and the case was remanded for further consideration by the Second Circuit.

- ***In re Dental Supplies Antitrust Litig.*, No. 1:16-cv-00696 (E.D.N.Y.)**

Hausfeld served as co-lead counsel in this litigation in which a proposed class of private dental practices claimed that the four major distributors of dental products and equipment conspired to fix margins, divide markets and allocate customers, and orchestrate industry boycotts of lower-priced, innovative rivals. The Federal Trade Commission filed a related lawsuit against the dental distributor companies a year after the private plaintiffs first initiated their action, borrowing legal theories first investigated and advanced by the private plaintiffs. In 2019 the private plaintiffs' action was settled just minutes before a class certification Daubert hearing was set to commence for **\$80 million**.

- ***In re International Air Passenger Surcharge Antitrust Litig.*, No. 06-md-01793 (N.D. Cal.)**

Hausfeld served as co-lead counsel in this case against two international airlines alleged to have fixed fuel surcharges on flights between the United States and United Kingdom. Lawyers at the firm negotiated a ground-breaking **\$200 million** international settlement that provides recovery for both U.S. purchasers under U.S. antitrust laws and U.K. purchasers under U.K. competition laws.

- ***In re Municipal Derivatives Antitrust Litig.*, No. 08-cv-2516 (S.D.N.Y.)**

Hausfeld served as co-lead counsel in this case against banks, insurance companies, and brokers accused of rigging bids on derivative instruments purchased by municipalities. The firm obtained over **\$200 million** in settlements with more than ten defendants.

- ***In re Automotive Aftermarket Lighting Products Antitrust Litig.*, No. 09-ML-2007 (C.D. Cal.)**

Hausfeld served as co-lead counsel in this case against three manufacturers for participating in an international conspiracy to fix the prices of aftermarket automotive lighting products. The firm obtained over **\$50 million** in settlements.

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- ***In re Processed Egg Products Antitrust Litig., No. 08-cv-04653 (E.D. Pa.)***

Hausfeld served as co-lead counsel in this case alleging that egg producers, through their trade associations, engaged in a scheme to artificially inflate egg prices by agreeing to restrict the supply of both laying hens and eggs. The firm obtained over **\$135 million** in settlements, won certification of a class of shell egg purchasers, and tried the case against the remaining defendants.

- ***In re Domestic Airline Travel Antitrust Litig., No. 15-1404 (CKK) (D.D.C.)***

Hausfeld serves as co-lead counsel for a proposed class of domestic air passengers that collectively allege the defendants, the four major U.S. passenger air carriers — United, American, Delta, and Southwest — conspired to fix domestic airfares by colluding to limit their respective capacity. The passengers allege that Defendants, in which a common set of investors owned significant shares during the conspiracy period, carried out the conspiracy through repeated assurances to each other on earnings calls and other statements that they each were engaging in “capacity discipline”. In October 2016, the court denied defendants’ motion to dismiss. Since that time, the firm has obtained **\$60 million** in settlements with American and Southwest. The litigation against United and Delta is ongoing.

## Litigation achievements

### Significant trial victories

While many law firms like to talk about litigation experience, Hausfeld lawyers regularly bring cases to trial—and win. Among our trial victories are some of the largest antitrust cases in the modern era. For example, in ***O’Bannon v. NCAA (N.D. Cal.)***, we conducted a three-week bench trial before the chief judge of the Northern District of California, resulting in a complete victory for college athletes who alleged an illegal agreement among the National Collegiate Athletic Association and its member schools to deny payment to athletes for the commercial licensing of their names, images, and likenesses. Our victory in the O’Bannon litigation followed the successful trial efforts in ***Law v. NCAA (D. Kan.)***, a case challenging earning restrictions imposed on

assistant college coaches in which the jury awarded **\$67 million** to the class plaintiffs that one of our lawyers represented.

In ***In re Vitamin C Antitrust Litigation (E.D.N.Y.)***, we obtained, on behalf of our direct purchaser clients, a **\$148 million** jury verdict and judgment against Chinese pharmaceutical companies that fixed prices and controlled export output of Vitamin C—on the heels of \$22.5 million in settlements with other defendants, which represented the first civil settlements with Chinese companies in a U.S. antitrust cartel case. Years earlier, we took on a global vitamin price-fixing cartel in ***In re Vitamins (D.D.C.)***, in which we secured a **\$1.1 billion settlement** for a class of vitamin purchasers and then took the remaining defendants to trial, culminating in a **\$148 million jury verdict**.

Our trial experience extends to intellectual property matters and general commercial litigation as well. Recently, we represented entertainment companies that sought to hold internet service provider Cox Communications accountable for willful contributory copyright infringement by ignoring the illegal downloading activity of its users. Following a trial in ***BMG Rights Management (US) LLC, v. Cox Enterprises, Inc. (E.D. Va.)***, the jury returned a **\$25 million verdict** for our client. After the defendants appealed and prior to a new trial, the parties settled.

### Exceptional settlement results

Over the past decade, Hausfeld has recouped over \$20 billion for clients and the classes they represented. We are proud of our record of successful dispute resolution. Among our settlement achievements, a selection of cases merit special mention.

On November 30, 2020, the Court granted preliminary approval to the proposed settlement agreement in ***In re Blue Cross Blue Shield Antitrust Litigation (M.D. Ala.)***, resolving the claims of Blue Cross Blue Shield subscribers represented by Hausfeld for **\$2.67 billion**. In addition to monetary relief, the settlement proposes systemic injunctive relief that will change the landscape for competition in healthcare.



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In the high profile *In re Foreign Exchange Benchmark Rates Antitrust Litigation* (S.D.N.Y.), we negotiated settlements totaling more than \$2.3 billion with fifteen banks accused of conspiring to manipulate prices paid in the foreign-exchange market. In another case involving allegations of pricefixing among the world's largest airfreight carriers, *In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), we negotiated settlements with more than 30 defendants totaling over \$1.2 billion—all in advance of trial. In the ongoing *In re LIBOR-Based Financial Instruments Antitrust Litigation* (S.D.N.Y.) case, we have secured settlements to date totaling \$590 million with Barclays (\$120 million), Citi (\$130 million), Deutsche Bank (\$240 million), and HSBC (\$100 million). The court has granted final approval to each of these settlements.

Hausfeld served as class counsel in *Hale v. State Farm Mutual Automobile Insurance Co.* (S.D.Ill.). This case involved allegations that State Farm worked to help elect an Illinois state supreme court justice in order to overturn a billion-dollar judgment against it. On the day opening statements were to be delivered to the jury, State Farm agreed to settle for **\$250 million**. Finally, in the global Marine Hose matter, we broke new ground with the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation. That settlement enabled every one of Parker ITR's non-US marine-hose purchasers to recover up to 16% of their total purchases.

As co-lead counsel for a class of app developers *In re Google Play Store Antitrust Litigation*, one of the first cases filed in a wave of antitrust litigation that has disrupted the tech industry, Hausfeld secured a **\$90 million** settlement in groundbreaking antitrust class action against Google. The settlement resolves a monopolization case against Google regarding its alleged anticompetitive conduct and unlawful practices related to the Google Play Store, including Google's requirement that the app developers who create, develop, and maintain the apps distributed on the Google Play Store pay a 30% tax to Google on revenue earned from paid apps and in-app products. The settlement was reached on behalf of app developers with \$2 million or less in annual sales, which includes nearly all U.S. developers earning revenue in the Google Play Store. In addition to paying \$90 million in monetary relief directly to developers, Google has

acknowledged that the litigation was a catalyst for its 2021 launch of a program where developers pay a reduced 15% service fee on their first \$1 million in annual revenues and agreed to maintain that reduced fee tier for at least three more years. Google has also committed to a series of structural reforms, including developing an "Indie Apps Corner" on the homepage of the Google Play Store and publishing an annual transparency report.

In the *In re Disposable Contact Lens Antitrust Litigation* case, Hausfeld serves as one of the three co-lead counsel for a nationwide class of consumers alleging horizontal and vertical conspiracies by the four leading contact lens manufacturers and their primary distributor to impose minimum resale price maintenance policies called "unilateral pricing policies," or "UPPs." case. On June 16, 2016, the court overseeing the litigation denied the defendants' motion to dismiss; on December 4, 2018, the court certified litigation classes of consumers who purchased contact lenses subject to UPPs; and on November 27, 2019, the Court denied the defendants' four motions for summary judgment. The plaintiffs have prevailed at every turn. On June 16, 2016, the court denied the defendants' motion to dismiss, on December 4, 2018, the court granted class certification, and on November 27, 2019, the court denied the defendants' motions for summary judgment. Settlements were reached with all five defendants prior to the scheduled trial in March 2022, totaling **over \$117 million**: CVI (\$2 million), B&L (\$10 million), ABB (\$30.2 million), Alcon (\$20 million) and JJVC (\$55 million).

These cases are just a few among dozens of landmark settlements across our practice areas.

## Reputation and leadership in the antitrust bar

### Court commendations

Judges across the country have taken note of Hausfeld's experience and results achieved in antitrust litigation.



**This has just been an absolute gem of an experience from the standpoint of having the opportunity to have just great lawyers fighting over something that's really important and significant.**

– District Judge R. David Proctor

*In re Blue Cross Blue Shield Antitrust Litigation*, MDL No. 2406 (N.D. Ala.) (granting preliminary approval of settlement in case where Hausfeld serves as co-lead counsel.)



**All class actions generally are more complex than routine actions... But this one is a doozy. This case is now, I guess, nearly more than ten years old. The discovery as I've noted has been extensive. The motion practice has been extraordinary... The recovery by the class is itself extraordinary. The case, the international aspect of the case is extraordinary. Chasing around the world after all these airlines is an undertaking that took enormous courage.**

– Judge Brian M. Cogan

*In re Air Cargo Shipping Services Antitrust Litigation*, No. 06-md-1775 (E.D.N.Y.)



**Comparing Hausfeld's work through trial to *Game of Thrones*: 'where individuals with seemingly long odds overcome unthinkable challenges... For plaintiffs, their trial victory in this adventurous, risky suit, while more than a mere game, is nothing less than a win...'**

– Magistrate Judge Nathanael M. Cousins

*O'Bannon v. Nat'l College Athletic Ass'n*, No. 09-cv-3329 (N.D. Cal.)



**Hausfeld lawyers achieved 'really, an outstanding settlement in which a group of lawyers from two firms coordinated the work... and brought an enormous expertise and then experience in dealing with the case.' Hausfeld lawyers are 'more than competent. They are outstanding.'**

– Judge Charles R. Breyer

*In re International Air Passenger Surcharge Antitrust Litig.*, No. 06-md-01793 (N.D. Cal.) (approving a ground-breaking \$200 million international settlement that provided recovery for both U.S. purchasers under U.S. antitrust laws, and U.K. purchasers under U.K. competition laws.)



**Hausfeld has 'the breadth of experience, resources and talent necessary to navigate a case of this import. Hausfeld 'stands out from the rest.'**

– District Judge Morrison C. England Jr.

*Four In One v. SK Foods*, No. 08-cv-3017 (E.D. Cal.)



**The class is represented by what I would describe as an all-star group of litigators...**

– District Judge David R. Herdon

*Hale v. State Farm*, No. 12-cv-00660-DRH-SCW (S.D. Ill.)



## Awards and recognitions



### The Legal 500

In 2022, for the 13th consecutive year, Hausfeld was ranked in the top tier nationally for firms in antitrust civil litigation and class actions by *The Legal 500*. The publication has described Hausfeld lawyers as “top-notch in all respects and particularly expert in everything about antitrust law.” The publication also previously stated that:

Hausfeld lawyers are, “pragmatic, smart and focused litigation experts,” and the firm is “at the top of its game,” with “a number of heavyweight practitioners.”

“DC firm Hausfeld LLP remains top-notch in antitrust litigation... Hausfeld LLP is one of the most capable plaintiffs firms involved in the area of civil cartel enforcement, and is handling some of the major cartel-related cases...”

Hausfeld is a “market transformer,” the “most innovative firm with respect to antitrust damages,” is “[d]riven by excellence,” “anticipates the evolving needs of clients,” and delivers “outstanding advice not only in legal terms but also with a true entrepreneurial touch. . .”

Described by a client as ‘very tenacious and appropriately aggressive, with great client relations skills’, Hausfeld LLP enjoys a stellar reputation in the antitrust space and is regularly praised for its European and global plaintiff-side antitrust practice alongside its work in the US.

### Concurrences



In 2020, the Hausfeld *Competition Bulletin* article titled, “Data Exploiting as an Abuse of Dominance: The German Facebook Decision,” authored by Hausfeld lawyer Thomas Höppner, was awarded *Concurrences*’ 2020 Writing Award in its Unilateral Conduct (Business) category.

In 2018, an article authored by Hausfeld lawyer Scott Martin, joined by co-authors Brian Henry and Michaela Spero, was awarded *Concurrences*’ 2018 Writing Award for Private Enforcement (Business) Category. The article, “Cartel Damage Recovery: A Roadmap for In-House Counsel,” was originally published in *Antitrust Magazine*.

In 2017, Hausfeld’s *Competition Bulletin* was selected to be ranked among the top antitrust firms distributing newsletters and bulletins. Hausfeld is the only Plaintiffs’ firm to be ranked, and we secured the number one spot for Private Enforcement Newsletters.

In 2015, Hausfeld Partners Michael Hausfeld, Michael Lehmann and Sathya Gosselin won the *Concurrences*’ 2015 Antitrust Writing Awards in the Private Enforcement (Academic) category for their article, “Antitrust Class Proceedings—Then and Now,” *Research in Law and Economics*, Vol. 26, 2014.



## Benchmark Litigation

For the fourth consecutive year, *Benchmark Litigation* highlighted Hausfeld as a leader in the domain of dispute resolution, recognizing the firm at the national level, as well as regionally on both coasts.

Hausfeld was ranked by *Benchmark* for Antitrust/Competition Nationwide, and is one of only a small handful of plaintiff-side firms on the list. Hausfeld was also honored as a 'Recommended Top Plaintiff Firm' Nationwide, and described by the publication as "an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the 'V'." A peer on the defense side commented "many firms try to do what they do, but Hausfeld is one of the only ones that gets it right and one of the ones we take the most seriously." Further to Hausfeld's national recognitions, *Benchmark* recognized several individuals in the firm's San Francisco and Washington, DC offices.



## 2022 Antitrust Report

In 2022, for a fourth consecutive year, Hausfeld has been recognized as one of the leading claimant firms for recovery in antitrust litigation in the US. In the *2021 Antitrust Annual Report*, published by the Center for Litigation and Courts | UC Hastings Law and The Huntington National Bank, Hausfeld is listed as the top firm out of the 25 analyzed, having achieved an aggregate settlement recovery totaling over \$5.27 billion over 13 years from 2009-2021. Hausfeld also ranked first among lead counsel in relation to the number of complaints filed in US federal courts (Hausfeld was responsible for 296 filings between 2009 and 2021) and first among lead counsel in the total amounts recovered for class members (Hausfeld recovered 114 settlements for its clients between 2009 and 2021 totaling over \$5.27 billion).

## Who's Who Legal



In 2022, *Who's Who Legal* honored 14 Hausfeld partners - more than any other firm - among the world's top 106 competition claimant lawyers. These practitioners are renowned for their experience and expertise in competition or antitrust matters before the highest courts in the UK, EU and USA.

In 2019, *Who's Who Legal* honored Hausfeld as the 'Competition Plaintiff Firm of the Year,' noting that the firm is, "a giant in the competition plaintiff field that once again demonstrates the strength and depth of its expertise..."

In 2018, the publication recognized the firm as "[a] powerhouse in the plaintiffs' litigation field, with particularly deep capability in competition matters," highlighting "nine outstanding litigators."



## Financial Times

In 2019, the *Financial Times* named Hausfeld one of the 25 'Most Innovative Law Firms: Overall' in North America. Notably, Hausfeld was the only plaintiffs' firm to make the list. In 2018, the *Financial Times*' Innovative Lawyers Report honored Hausfeld with the 'Innovation in Legal Expertise - Dispute Resolution' award for the firm's work with Dutch transportation insurer TVM. The *Financial Times* followed up this award by commending Hausfeld in its 2018 North America Innovative Lawyers Report for its representation of plaintiffs in *In Re Foreign Exchange Benchmark Rates Antitrust Litigation*. Hausfeld is proud to be the only plaintiffs' firm to have received recognition in the category of 'dispute resolution' for 2018 on both sides of the Atlantic.

In 2016, the *Financial Times* named Hausfeld as a top innovative law firm. Writing about Hausfeld's innovation in the legal market, the *Financial Times* noted: "The firm has taken the litigation finance model to Germany, to turn company inhouse legal departments into profit centres."

In 2015, Michael Hausfeld was recognized by the *Financial Times* as one of the Top 10 Innovative Lawyers in North America.

In 2013, Hausfeld won the *Financial Times* Innovative Lawyer Dispute Resolution Award. The FT stated that Hausfeld has "[p]ioneered a unique and market-changing litigation funding structure that improved accessibility and enabled victims to pursue actions with little or no risk."



## U.S. News & World Report & Best Lawyers

In 2022, Hausfeld was the only firm awarded the honor of best law firm in the 'Antitrust Law' category by *U.S. News and Best Lawyers* in its 2023 Best Law Firms edition.

In 2021, Hausfeld was the only firm awarded the honor of best law firm in the 'Litigation – Antitrust' category by *U.S. News and Best Lawyers* in its 2022 Best Law Firms edition.

## Global Competition Review

In 2021, the firm won *Global Competition Review's* award for "Litigation of the Year – Cartel Prosecution" in recognition of the firm's work on *In re Blue Cross Blue Shield Antitrust Litigation*. After eight years of litigation, the proposed class of subscribers secured a \$2.67 billion settlement from the Blue Cross Blue Shield (BCBS) network, which was preliminarily approved in 2020 and pending final approval.

In 2018, Hausfeld attorneys were awarded *Global Competition Review's* "Litigation of the Year – Cartel Prosecution" commending its work on *In re Vitamin C Antitrust Litigation*. In this historic case, the Supreme Court ruled in favor of Hausfeld's clients, setting forth criteria and a framework for courts to use when assessing the credibility and weight to give to a foreign government's expression of its own laws.



In 2016, Hausfeld was awarded Global Competition Review's "Litigation of the Year – Cartel Prosecution" for its work on *In re Foreign Exchange Antitrust Benchmark Litigation*. The award recognized Hausfeld's success in the Foreign Exchange litigation to date, which has included securing settlements for more than \$2.3 billion in on behalf of a class of injured foreign exchange investors and overcoming three motions to dismiss in the action.

In 2015, Hausfeld attorneys were awarded Global Competition Review's "Litigation of the Year – Non-Cartel Prosecution," which recognized their trial victory in *O'Bannon v. NCAA*, a landmark case brought on behalf of college athletes challenging the NCAA's restrictions on payment for commercial licensing of those athletes' names, images, and likenesses in various media.



## U.S. News & World Report

Since 2016, *U.S. News & World Report – Best Law Firms* has named Hausfeld to its top tier in both Antitrust Law and Litigation, and among its top tiers in Commercial Litigation. Hausfeld is also continuously recognized in New York, San Francisco, and Washington, DC in Antitrust Law, Litigation, Mass Torts and Commercial Litigation.



## American Antitrust Institute

In 2021, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for collective work on behalf of our clients in *In re Blue Cross Blue Shield Antitrust Litigation*.

In 2018, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for their trial and appellate victories in *In re Vitamin C Antitrust Litigation*.

In 2016, the American Antitrust Institute honored two Hausfeld case teams—*In re Air Cargo Shipping Services Antitrust Litig.* (E.D.N.Y.) and *In re Municipal Derivatives Antitrust Litig.* (S.D.N.Y.)—with its top award for Outstanding Antitrust Litigation Achievement in Private Law Practice. Taken together, these two cases have yielded settlements of over \$1.4 billion to class members after nearly a decade of litigation. The award celebrates private civil actions that provide significant benefits to clients, consumers, or a class and contribute to the positive development of antitrust policy.

In 2015, Hausfeld and fellow trial counsel won the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement in Private Law Practice for their trial and appellate victories in *O'Bannon v. NCAA*.

# Chambers AND PARTNERS

## Chambers and Partners

In 2022, *Chambers and Partners* once again named Hausfeld to its highest tier, Band 1, for “Antitrust: Plaintiff – USA – Nationwide,” noting that the firm:

“has fantastic lawyers who are out-of-the-box thinkers, client service-oriented and a pleasure to work with.”

Hausfeld was one of just four law firms ranked in Band 1. Hausfeld’s New York office was also named to Band 1 for “Antitrust: Mainly Plaintiff – New York” and Hausfeld’s California office was named to Band 1 for “Antitrust: Mainly Plaintiff - California.”

The publication has also previously noted about the firm:

“Able to deploy a deep bench of trial attorneys with outstanding litigation experience,” and is “renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues.”

Clients reported to the publication that “Hausfeld is a great partner that makes sure to understand our perspective,” and peers have commended the firm’s “terrific, deep bench.”

- A reputation as a “[m]arket-leading plaintiffs’ firm with considerable experience in antitrust class action suits and criminal cartel investigations.”
- “[N]umerous successes in the area, resulting in major recovery or settlements for its clients.”
- Firm Chair Michael Hausfeld’s record as “a very successful and able antitrust litigator,” and “one of the titans of the Plaintiffs Bar.”

Additionally, between 2016 and 2020, *Chambers and Partners UK* ranked Hausfeld in the top tier among London firms representing private claimants in competition matters and recognized the firm’s accomplishments in Banking Litigation.

## National Law Journal

In 2015, Hausfeld was named to the *National Law Journal*’s “Plaintiffs Hot List” for the fourth year in a row. The publication elaborated:

“Hausfeld’s creative approaches underpinned key antitrust wins last year, including a trailblazing victory for former college athletes over the use of their likenesses in television broadcasts and video games...” and Hausfeld, along with its co-counsel, “nailed down a \$99.5 million settlement with JPMorgan Chase & Co. in January in New York federal court for alleged manipulation of market benchmarks. And it helped land nearly \$440 million in settlements last year, and more than \$900 million thus far, in multidistrict antitrust litigation against air cargo companies.”

In 2014, the *National Law Journal* named Hausfeld as one of a select group of America’s Elite Trial Lawyers, as determined by “big victories in complex cases that have a wide impact on the law and legal business.” The award notes that Hausfeld is among those “doing the most creative and substantial work on the plaintiffs side.”

# Swathi Bojedla

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## OVERVIEW

### Experience

Swathi's career has spanned a wide range of practice areas at Hausfeld. From initial case investigations through trial, she has represented the firm's clients in all aspects of litigation. Her work has encompassed some of the highest-profile class action sports and antitrust cases in recent years, and she has been involved in the recovery of over \$3 billion in settlement awards on behalf of the firm's clients.

Prior to joining Hausfeld, Swathi worked on several presidential campaigns and in the U.S. Senate, both for then-Senator Hillary Rodham Clinton and as a law clerk to the U.S. Senate Judiciary Committee.

### Clients

Swathi has litigated a variety of other cases across the legal spectrum, securing favorable results for her clients. In the antitrust realm, she has represented clients in the health insurance, transportation, and financial services sectors seeking to recover damages from price-fixing and market allocation cartels. As an avid sports fan, Swathi has relished the opportunity to represent current and former athletes as they seek fair treatment for the dedication they put into the game.

Swathi has also represented numerous financial institutions across the country who have suffered damages as a result of data breaches at retailers including Target, Home Depot, Kmart, and Wendy's. Through her work on these cases, she has developed an expertise in data breach law and card brand recovery processes, and has helped to design and implement unique settlement frameworks in this developing area of law.

## EXPERIENCE

### Antitrust/Competition

- *In re Blue Cross Blue Shield Antitrust Litigation* – In one of the largest and most complex antitrust class action cases ever litigated, Swathi represents tens of millions of subscriber plaintiffs alleging higher premiums and loss of competition in the market for health insurance due to a conspiracy among 36 insurer defendants to allocate geographic territories. In November 2020, the Court granted preliminary approval to the proposed settlement agreement resolving the claims of Blue Cross Blue Shield subscribers for \$2.67 billion.
- *In re Municipal Derivatives Litigation* – Swathi worked as part of a team that secured nearly \$250 million in settlements for a class of municipalities affected by alleged bid-rigging in the market for municipal bonds.
- *In re Air Cargo Shipping Services Antitrust Litigation* – Swathi joined the trial team to prepare for trial against the final four defendants in a worldwide conspiracy to fix fuel surcharge on air cargo; her work assisted in driving settlements with the final defendants totaling nearly \$200 million. In 2016, she was recognized for her work in this, and the above-mentioned Municipal Derivatives case, at the *American Antitrust Institute* Enforcement Awards, where she won two of the three awards for "Outstanding Antitrust Litigation Achievement in Private Law Practice."

### Environmental & Product Liability

- *Bowman et al. v. St. Joseph's Medical Center et al.* – Swathi participated in a mass tort action arising from the placement of unnecessary stents in patients at a Baltimore-area hospital, which culminated in a month-long jury trial in Maryland state court and a global resolution compensating over 240 affected patients.



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## Sports & Entertainment

- *Dryer et al. v. National Football League* – Swathi represented a class of retired NFL players whose names, images, and likenesses were being used in NFL Films features. She was involved in negotiating a \$50 million settlement agreement, which created a Greater Good Fund to provide health and welfare programs to former NFL players and also established a licensing agency, in partnership with IMG, to help former players market their names, images, and likenesses. After this novel settlement was reached, Swathi continued to advise the Court-appointed Board of Directors on implementation of the settlement agreement.
- *O'Bannon v. NCAA* – Swathi represented a class action on behalf of current and former Division I men's basketball and FBS football players against the NCAA and its member institutions based on rules foreclosing athletes from receiving compensation for the use of their names, images, and likenesses. In 2014, plaintiffs completed a three-week bench trial in which Swathi was part of a trial team that successfully obtained class injunctive relief allowing college athletes to receive compensation for their NIL rights, a landmark victory for college athletes.

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## Technology & Data Breach

- *In re Premera Blue Cross Customer Data Breach Litigation* – Represented Premera health insurance customers whose confidential medical information was accessed during an extended breach. A \$74 million settlement including a \$32 million settlement fund was granted final approval in March 2020.
- *In re Arby's Restaurant Group, Inc. Data Security Litigation* – Representing financial institutions who were forced to cancel compromised cards, issue refunds due to fraudulent transactions, stop and block unauthorized transactions on their customers' accounts, and increase fraud monitoring because of the breach. A \$5 million+ settlement was preliminarily approved in March 2020.
- *First Choice Federal Credit Union v. The Wendy's Company et al* – Represented financial institutions who have had to pay to replace credit cards and cover fraud losses sustained by customers as a result of a data breach at Wendy's franchisees. A \$50 million settlement was granted final approval in November 2019.
- *In re The Home Depot, Inc. Customer Data Breach Litigation* – Represented financial institutions who had to pay to replace credit cards and cover fraud losses sustained by customers as a result of a data breach at Home Depot affecting 56 million people. A \$25 million settlement was granted final approval in September 2017.
- *In re Target Corporation Customer Data Security Breach Litigation* – Represented financial institutions who had to pay to replace credit cards and cover fraud losses sustained by customers as a result of a data breach at Target which exposed 40 million debit and credit card accounts. This case resulted in a ground-breaking \$60 million+ total settlement.

## EDUCATION

Georgetown University Law Center, J.D., 2011

Brown University, B.A., Human Biology & Public Policy, 2022

## BAR ADMISSIONS

District of Columbia

New York

District Court for the District of Columbia

District Court for the Southern District of New York

Tenth Circuit Court of Appeals



# Gary I. Smith Jr.

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## OVERVIEW

### Experience

Gary is an experienced litigator, focusing his practice on complex federal antitrust cases. Gary has successfully represented clients in district court proceedings, on appeal to the circuit courts, and when necessary, in the Supreme Court of the United States. All told, Gary has recovered over \$925 million for clients that were the victims of antitrust violations.

Gary has litigated cases involving monopolistic and cartel activity in a wide range of industries, from the agricultural sector to the financial markets – with a particular emphasis on healthcare, where Gary has represented hospitals and physicians in matters concerning overcharges on medical, surgical, and dental products as well as biologics (vaccines) and pharmaceuticals. For this work, Gary has been honored as a Rising Star Under 40 in Healthcare Law by Law360 (2017), a Rising Star in Antitrust Litigation by Pennsylvania Super Lawyers (2017 through present), and a Trailblazer by the Legal Intelligencer (2019).

Gary is also committed to legal scholarship, the development of the antitrust laws, and serving the community through pro bono work. Gary has authored numerous articles on competition issues and the legal profession, including for the American Bar Association's (ABA) Young Lawyers Division, the ABA's Health Care Chronicle, and most notably, contributing to the Eighth Edition of the ABA Antitrust Section's seminal publication, Antitrust Law Developments. As the Chair of the Committee to Support the Antitrust Law's (COSAL) Amicus Committee, Gary has authored or contributed to amicus filings across the circuit courts and in the Supreme Court seeking to advance progressive competition law policies. And on the pro bono front, Gary has represented victims of clergy sexual abuse that received settlement offers from the Philadelphia Archdiocese. For this and other pro bono work, Gary and Hausfeld's Philadelphia office received the Philadelphia Bar Foundation's 2019 Pro Bono Award.

### Clients

Gary counts among his clients hospitals and hospital systems, pediatricians, dentists and dental laboratories, universities, local governments, investment and pension funds, advertising agencies, and farmers.

## EXPERIENCE

### Antitrust/Competition

- *Adriana M. Castro, M.D., P.A. v. Sanofi Pasteur Inc.* – In which a certified class of wholesalers, hospitals, and physicians that purchased Sanofi's quadrivalent conjugate meningococcal vaccine (MCV4) Menactra (a vaccine for Meningitis) claimed that Sanofi monopolized the MCV4 market by threatening large price penalties across Sanofi's broad line of pediatric vaccines if pediatricians purchased MCV4 vaccines from Sanofi's only MCV4 rival, Novartis's Menveo. The suit claimed that Sanofi's conditional pricing practices had the purpose and effect of foreclosing Sanofi's only MCV4 rival from the market, allowing Sanofi to continue to charge monopoly prices for Menactra. The case settled in December 2016 for \$61.5 million.
- *In re Transpacific Passenger Air Transportation Antitrust Litigation* – In which a certified class of consumers of transpacific passenger air travel claimed that thirteen airlines conspired to fix the prices of certain air fares and fuel surcharges. The last of the thirteen defendants settled in early 2019 for \$58 million, bringing the total settlements in the case to over \$147 million.
- *In re LIBOR-Based Financial Instruments Antitrust Litigation* – In which a certified class of purchasers of over-the-counter (OTC) financial instruments with interest payments tied to the London Interbank Offering Rate (LIBOR) are challenging the collusive manipulation of U.S. Dollar LIBOR by the world's largest financial institutions. The collusion is claimed to have suppressed the U.S. Dollar LIBOR rate, which allowed the defendant banks to benefit financially to the detriment of their counterparties in OTC financial instruments such as swaps and bonds. The case has resulted in \$590 million in settlements with four banks (Barclays, Citibank, HSBC, and Deutsche Bank), and continues against the remaining thirteen defendant banks.

- In re Dental Supplies Antitrust Litigation – In which a proposed class of private dental practices claimed that the four major distributors of dental products and equipment conspired to fix margins, divide markets and allocate customers, and orchestrate industry boycotts of lower-priced, innovative rivals. Gary beat the Federal Trade Commission (“FTC”) to the courthouse by almost two years, with the FTC filing a related lawsuit against the dental distributor companies well after the private plaintiffs first initiated their action, borrowing legal theories first investigated and advanced by the private plaintiffs. The private plaintiffs’ action was settled just minutes before a class certification Daubert hearing was set to commence for \$80 million.
- In re Broiler Chicken Grower Antitrust Litigation – in which a proposed class of broiler chicken farmers (referred to as “Growers”) claim that over twenty of the country’s largest poultry producers, including Tyson, Pilgrim’s, Perdue, Koch Foods, and Sanderson Farms colluded to suppress Grower pay through agreements not to recruit, solicit, or “poach” one another’s Growers and through comprehensive and systematic exchanges of Grower compensation information. Settlements have been reached with Tyson (\$21 million), Perdue (\$14.75 million), and Koch Foods (\$15.5 million), and Sanderson Farms (\$17.75 million), totaling \$69 million and the litigation continues against the sole remaining defendant, Pilgrim’s.

## EDUCATION

Sandra Day O’Connor College of Law at Arizona State University, J.D. 2011

University of Arizona, B.S.B.A. in Business Economics, 2008

## BAR ADMISSIONS

Pennsylvania

United States District Court for the Eastern District of Pennsylvania

Arizona

United States District Court for the District of Arizona

California

United States District Court for the Southern District of California

United States District Court for the Central District of California

United States District Court for the Northern District of California

United States Court of Appeals for the Third Circuit

United States Court of Appeals for the Seventh Circuit

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the Tenth Circuit

United States Supreme Court

# Katie R. Beran

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Philadelphia

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## OVERVIEW

### Experience

Katie is a partner in Hausfeld's Philadelphia office. Her practice focuses on pursuing justice for plaintiffs in antitrust, consumer protection, civil and human rights, and environmental litigation. Katie has represented a diverse array of clients, including cancer patients fighting for access to affordable treatment, municipalities seeking remedies to protect the health and well-being of their residents, and app developers challenging Google's monopolization of the mobile application marketplace.

Katie also maintains a robust pro bono practice, where she regularly represents participants in the Eastern District of Pennsylvania Supervision to Aid Reentry Program in civil legal matters and oversees the firm's pro bono partnerships with several non-profit organizations leading the fight on racial equality and reproductive justice. She previously served as counsel for victims of childhood sexual abuse by Pennsylvania clergy and has engaged in climate change impact litigation.

Katie has received numerous accolades across several practice areas, including being recognized as an On the Rise – Top 40 Young Lawyer in the country by the American Bar Association, a Rising Star in Antitrust Litigation by *Pennsylvania Super Lawyers*, an Energy & Environmental Trailblazer by *The National Law Journal*, and a Leading Plaintiff Consumer Lawyer by *Lawdragon*.

At Hausfeld, Katie leads the firm's business development strategy efforts for the U.S. offices. As Chair of the firm's U.S. Business Development Strategy Committee, she manages all new case investigations and potential matters. She is also a member of the firm's Hiring Committee, Pro Bono Committee, and Diversity, Equity & Inclusion Committee. Before joining the firm, Katie served as a federal Law Clerk to the Honorable Gerald A. McHugh in the Eastern District of Pennsylvania during the first two years of Judge McHugh's tenure on the Bench.

## EXPERIENCE

### Antitrust/Competition

- *In re Google Play Developer Antitrust Litigation* – Represents a class of app developers that sold apps or in-app products via the Google Play store. The developers allege that Google has abused its market power to exclude competing app stores from Android phones, stifling innovation and consumer choice, and resulting in a supracompetitive default 30% transaction fee. The developer class recently settled for \$90 million and significant injunctive relief.
- *In re Thalomid and Revlimid Antitrust Litigation* – A class action alleging that the defendant's extensive anticompetitive conduct excluded generic alternatives for Thalomid and Revlimid, two drugs used to treat rare but deadly conditions, from entering the market, causing end payors to incur millions of dollars in overcharges (settled for \$34 million)
- *In re Foreign Exchange Benchmark Rates Antitrust Litigation* – A case alleging a conspiracy to fix the prices of foreign exchange instruments among some of the largest banks in the world, in which the firm has secured more than \$2.3 billion in settlements.

### Environmental & Product Liability

- *SCWA v. Dow, et al. and SCWA v. 3M Company, et al.* – Two environmental cases on behalf of the largest public water supplier in the country against the manufacturers and distributors of products containing toxic chemicals for contamination of the local public drinking water.

- *New Jersey Department of Environmental Protection et al. v. Ford Motor Company et al.* – Katie serves as Special Counsel to the New Jersey Attorney General in an environmental justice suit against Ford Motor Company seeking natural resource damages related to environmental pollution near the company's Mahwah, NJ plant. The State alleges that Ford polluted an area that includes the homeland of a Native American tribe and later concealed the extent of the contamination from subsequent property owners and regulators (as depicted in the HBO documentary *Mann V. Ford*).
- *Bhatia v. 3M Company*, No. 0:16 cv-1304 (D. Minn.) – A class action filed on behalf of dentists and dental practices alleging that 3M knowingly sold defective dental crowns and, even after pulling the product from the market, refused to reimburse dentists for the replacement costs, which ultimately settled for \$32.5 million.

## Human Rights

Katie has worked on human rights litigation regarding imminent threats to public health and represented individuals pursuing civil rights claims.

## Public Entity

We have extensive experience representing public and governmental entities, including state Attorneys General Offices, municipal utility boards, and counties in high-stakes investigations and litigation involving a variety of legal practice areas, including antitrust, consumer protection, financial services, and environmental law. The firm's public entity portfolio includes:

- Retention by state Attorneys General Offices for antitrust litigation against Big Tech platforms.
- Retention by the largest public water supplier in the country relating to environmental contamination.
- Retention by public entities to pursue antitrust claims relating to fraud in financial markets; and
- Retention by the state of West Virginia in one of the earliest cases against the pharmaceutical industry relating to the opioid crisis, filed decades before the current wave of opioid litigation.

## EDUCATION

University of Pennsylvania Law School, *cum laude*, 2012

American University, *magna cum laude*, 2009

## BAR ADMISSIONS

Pennsylvania

New Jersey

U.S. District Court -Eastern District of Pennsylvania

U.S. District Court – New Jersey

U.S. Court of Appeals for the Third Circuit

# **EXHIBIT**

# **D**



## STRANCH, JENNINGS & GARVEY PLLC

**The award-winning attorneys of Stranch, Jennings & Garvey, PLLC (SJ&G), have recovered more than \$50 billion for clients, from high-profile cases to single plaintiffs who have suffered harm or unfair treatment.**

SJ&G's roots go back to 1952 when Cecil Branstetter founded Branstetter, Stranch & Jennings, PLLC (BS&J), his own law firm in Nashville. For more than seven decades, our attorneys have advocated for society's under-represented voices, consumer rights, labor unions and victims of discrimination, a legacy that continues today as we work to ensure access to justice for our clients.

SJ&G's roots go back to 1952, when Cecil Branstetter founded his own Nashville firm after earning his law degree from Vanderbilt Law School in 1949. The firm grew and became known as Branstetter, Stranch & Jennings, PLLC (BS&J).

### PRACTICE AREAS

- Bank Fees
- Class Action
- Data Breaches
- ERISA Trust Funds
- Labor Unions
- Mass Tort
- Product Liability
- Personal Injury
- Trucking Accidents
- Wage and Hour Disputes
- Worker Adjustment and Retraining Notification

### REPRESENTATIVE CASES

**SJ&G attorneys have represented plaintiffs in a substantial number of complex cases both in state and federal courts throughout the nation:**

- as lead trial attorney in the Sullivan Baby Doe case (originally filed as Staubus v. Purdue) against U.S. opioid producers Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., resulting in a \$35 million settlement agreement, the largest per capita settlement achieved by any prosecution with Endo to date;
- personally appointed to the steering committee of the In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, resulting in approximately \$17 billion in settlements, the largest consumer auto settlement and one of the largest settlements in any matter ever;
- the executive committee In Dahl v. Bain Capital Partners (anti-trust), resulting in a \$590.5 million settlement;
- appointed mediator by the circuit court in the case of the City of St. Louis v. National Football League and the Los Angeles Rams, having successfully negotiated a \$790 million settlement for the plaintiffs;
- lead plaintiff in Sherwood v. Microsoft, which set the standard for indirect antitrust actions in Tennessee and ultimately resolved for a value of \$64 million;
- litigated Qwest Savings and Investment Plan ERISA litigation, resulting in a \$57.5 million total payout to class members;
- plaintiff's co-counsel in the Paxil litigation of Orrick v. GlaxoSmithKline;
- represented a class of consumers who purchased baby clothing tainted with unlawful levels of chemical skin irritants, resulting in a multi-million-dollar settlement. Montanez v. Gerber Childrenswear, LLC (M.D. Cal.); and
- represented multiple Taft-Hartley Trust Funds as amici in a case setting Ninth Circuit precedent on liability of owners as ERISA fiduciaries for unpaid fringe benefit contributions.

#### Nashville

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223 Rosa L. Parks Avenue, Suite 200  
Nashville, TN 37203  
Phone: 615.254.8801

#### St. Louis

Peabody Plaza  
701 Market Street, Suite 1510  
St. Louis, MO 63101  
Phone: 314.390.6750

#### Las Vegas

3100 W. Charleston Boulevard  
Suite 208  
Las Vegas, NV 89102  
Phone: 725.235.9750





# J. Gerard Stranch IV

## FOUNDING AND MANAGING MEMBER

**Gerard Stranch is the managing member at Stranch, Jennings & Garvey, PLLC (SJ&G). A third-generation trial lawyer, he leads the firm's class action and mass tort practice groups. His additional areas of practice include bank fees, data breaches, wage and hour disputes, worker adjustment and retraining notification, personal injury and trucking incidents.**

Mr. Stranch has served as lead or co-lead counsel for the firm in numerous cases, including:

- lead trial attorney in the Sullivan Baby Doe case (originally filed as *Staubus v. Purdue*) against U.S. opioid producers Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., resulting in a \$35 million settlement agreement, the largest per capita settlement achieved by any prosecution with Endo to date;
- personally appointed to the steering committee of the In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, resulting in approximately \$17 billion in settlements, the largest consumer auto settlement and one of the largest settlements in any matter ever;
- the executive committee In *Dahl v. Bain Capital Partners* (anti-trust), resulting in a \$590.5 million settlement;
- personally appointed to the steering committee In re: New England Compounding Pharmacy, Inc., resulting in more than \$230 million in settlements; and
- appointed as co-lead counsel In re: Alpha Corp. Securities litigation, resulting in a \$161 million recovery for the class.

### PHONE

615.254.8801

### EMAIL

[gstranch@stranchlaw.com](mailto:gstranch@stranchlaw.com)

### LOCATION

The Freedom Center  
223 Rosa L. Parks Avenue  
Suite 200  
Nashville, TN 37203

A 2000 graduate of Emory University, Mr. Stranch received his J.D. in 2003 from Vanderbilt University Law School, where he teaches as an adjunct professor about the practice of civil litigation. He led the opioid litigation team in the Sullivan Baby Doe suit, for which the team won the 2022 Tennessee Trial Lawyer of the Year award. Mr. Stranch has been listed as one of the Top 40 Under 40 by the National Trial Lawyers Association and as a Mid-South Rising Star by Super Lawyers magazine.

### PRACTICE AREAS

- Class Action
- Mass Tort
- Bank Fees
- Data Breaches
- Wage and Hour Disputes
- Worker Adjustment and Retraining Notification
- Personal Injury
- Trucking Incidents

### EDUCATION

- Vanderbilt University Law School (J.D., 2003)
- Emory University (B.A., 2000)

### BAR ADMISSIONS

- Tennessee
- U.S. District Court Western District of Tennessee
- U.S. District Court Middle District of Tennessee
- U.S. District Court Eastern District of Tennessee
- U.S. 6th Circuit Court of Appeals
- U.S. 8th Circuit Court of Appeals
- U.S. 9th Circuit Court of Appeals
- U.S. District Court District of Colorado

### PROFESSIONAL HONORS & ACTIVITIES

#### Awards

- Super Lawyers Mid-South Rising Star
- Top 40 Under 40, National Trial Lawyers Association

#### Memberships

- Public Justice
- Nashville Bar Association
- Tennessee Bar Association
- American Association for Justice
- Tennessee Association for Justice
- Lawyer's Coordinating Committee of the AFL-CIO
- General Counsel Tennessee AFL-CIO and Federal Appointment, Coordinator
- General Counsel Tennessee Democratic Party
- National Trial Lawyer
- Board of Directors, Cumberland River Compact
- Class Action Trial Lawyers Association, Board Member
- Board of Governor's Tennessee Association for Justice

### PRESENTATIONS

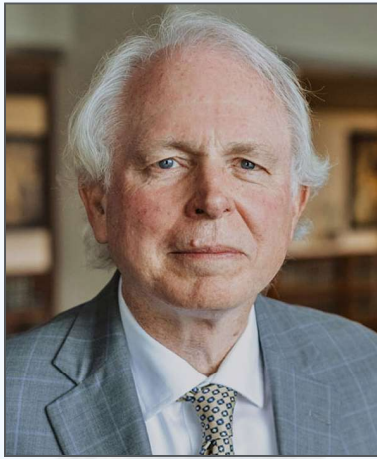
- Mr. Stranch regularly speaks at conferences on issues ranging from in-depth reviews of specific cases to developments in the law, including in mass torts, class actions and voting rights.
- Mr. Stranch is one of the founding members of the Cambridge Forum on Plaintiff's Mass Tort Litigation and regularly presents at the forum.

### LANGUAGES

- English
- German







# James G. Stranch III

## FOUNDING MEMBER

**Jim Stranch is the senior member in the complex litigation group, which he helped start on behalf of the firm. He has served as lead counsel in virtually every large complex and other class action in which the firm has served as lead plaintiff.**

Mr. Stranch and his wife, Judge Jane Branstetter Stranch of the U.S. 6th Circuit Court of Appeals, were early pioneers of 401(k) ERISA litigation and jointly litigated numerous groundbreaking cases.

One of Mr. Stranch's first hard-earned victories came in 1979 when, along with firm founder Cecil Branstetter, he won a jury verdict in a case against Frosty Morn Meats in Montgomery County. The bankrupt company was found by a jury to have been grossly negligent in its mishandling of more than 500 employees' Christmas monies. The jury returned a nearly \$473,000 judgment against the company's board of directors, and the case helped solidify the firm's reputation in Tennessee as one that fights for workers' interests.

In addition to having founded the firm's class action practice, Mr. Stranch also focuses on Labor and Employment Law, and brings more than four decades of experience in representing labor organizations and individual workers throughout Tennessee and the South. Mr. Stranch also has extensive expertise in matters arising under the National Labor Relations Act, ERISA, Title VII, and wage and hours laws such as the FLSA.

Mr. Stranch has spent his career contributing to its legacy of supporting labor unions, shareholders, small businesses and others. Mentored by the late Cecil Branstetter, Mr. Stranch also strives to mentor the firm's younger attorneys.

## PHONE

615.254.8801

## EMAIL

jstranch@stranchlaw.com

## LOCATION

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223 Rosa L. Parks Avenue  
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Nashville, TN 37203

## PRACTICE AREAS

- Class Action and Complex Litigation
- Labor and Employment Law
- Personal Injury
- Consumer Protection
- ERISA Trust Funds

## EDUCATION

- University of Tennessee College of Law (J.D., 1973)
- University of Tennessee (B.S., 1969)

## EXPERIENCE

- Tennessee consumer protection and antitrust action against Microsoft, which led to a \$64 million recovery to the consumer class, including a \$30 million cy pres to Tennessee schools
- Qwest Savings and Investment Plan ERISA litigation, which resulted in a \$57.5 million total payout to class members
- Nortel Networks Corp. ERISA litigation, which was resolved with a \$21.5 million settlement
- Securities litigation on behalf of the State of Tennessee Consolidated Retirement System against Worldcom, which led to a \$7 million recovery
- Shareholder derivative action involving Dollar General Corporation, which resulted in a \$31.5 million recovery
- ERISA/401(k) litigations on behalf of employees and pensioners of Qwest Communications, Inc. (\$57.5 million total value recovery), Xcel Energy Inc. (\$8.6 million recovery), Provident Financial, Inc. (\$8.6 million) and Nortel, Inc. (\$21.5 million recovery)

## BAR ADMISSIONS

- Tennessee
- U.S. District Court Middle District of Tennessee
- U.S. District Court Eastern District of Tennessee
- U.S. District Court Western District of Tennessee
- U.S. District Court, Colorado
- U.S. Tax Court
- U.S. Supreme Court
- U.S. 6th Circuit Court of Appeals
- U.S. 8th Circuit Court of Appeals
- U.S. 9th Circuit Court of Appeals

## PROFESSIONAL HONORS & ACTIVITIES

### Awards

- AV-Rated by Martindale Hubbell
- Best Lawyers in America – Labor and Employment Law
- Mid-South Super Lawyers Edition (2014)
- Super Lawyers (2007 – 2020)

### Memberships

- Tennessee State Ethics Commission, Member and Former Chairman
- Tennessee Appellate Court Nominating Committee (Secretary, 1985 – 1991)
- AFL-CIO Lawyer's Coordinating Advisory Committee (1980 – present)
- Nashville Bar Association (1973 – present)
- Tennessee Bar Association (Chairman, Labor Law Section, 1991 – 1992; Member, 1973 – present)

- American Bar Association (1973 – present)
- American Association for Justice (1974 – present)
- Tennessee Association for Justice (1974 – present)
- Phi Delta Phi

## COMMUNITY INVOLVEMENT

- Chairman, Tennessee Bureau of Ethics
- Fellow, Nashville Bar Foundation
- Former Secretary, Tennessee Appellate Court Nominating Committee
- Former Member of the AFL-CIO Lawyers Coordinating Advisory Committee
- Former Chairman, Tennessee Bar Association's Labor Law Section





# Michael G. Stewart

## FOUNDING MEMBER

**Mike Stewart is a member of the firm's complex litigation practice, representing citizens who have suffered injuries or lost money because of the actions of powerful interests. He has litigated cases that have recovered millions of dollars for defrauded investors, persons injured by defective products and consumers cheated by improper sales practices. He writes and speaks on a variety of legal and public interest topics.**

A former member of the Tennessee General Assembly, Mr. Stewart aggressively fought for Tennessee's citizens, at one point calling attention to Tennessee's inadequate gun background check laws by offering an assault rifle for sale at a sidewalk lemonade stand. Mr. Stewart was elected unanimously by his fellow Democratic members to serve as their Caucus Chairman during the 109th, 110th and 111th General Assemblies. During his tenure, Democrats regained seats held by Republicans in all three of Tennessee's Grand Divisions – West, Middle and East Tennessee.

Before attending law school, Mr. Stewart served as an officer in the United States Army, with service in the Korean Demilitarized Zone and in Operation Desert Storm.

Mr. Stewart and his wife, Ruth, have three children, Will, Joseph and Eve. Ruth is a physician and an Associate Dean at Meharry Medical College. They live in East Nashville.

## PHONE

615.254.8801

## EMAIL

mstewart@stranchlaw.com

## LOCATION

The Freedom Center  
223 Rosa L. Parks Avenue  
Suite 200  
Nashville, TN 37203

## PRACTICE AREAS

- Class Action and Complex Litigation
- Civil Litigation

## EDUCATION

- University of Tennessee College of Law (J.D., *cum laude*, 1994)
  - Student Materials Editor, *Tennessee Law Review*
  - National Moot Court Team
  - Vinson & Elkins Award for Excellence in Moot Court Brief Writing
- University of Pennsylvania (B.A., 1987)

## EXPERIENCE

- Represented a class of shareholders in antitrust litigation against many of the nation's largest private equity firms in a suit alleging collusion on large buyout deals. Total settlements exceeded half-a-billion dollars. *Dahl v. Bain Capital Partners* (D. Mass).
- Represented a class of consumers who purchased baby clothing tainted with unlawful levels of chemical skin irritants, resulting in a multi-million-dollar settlement. *Montanez v. Gerber Childrenswear, LLC* (M.D. Cal.).
- Represented a consumer seriously injured by emissions from a residential air cleaner, resulting in a significant settlement. *Bearden v. Honeywell International, Inc.* (M.D. Tenn.).
- Represented a class of shareholders alleging damages from inaccurate financial statements issued by a manufacturer of cellular phone cameras, resulting in a multi-million-dollar settlement. In re: Omnivision Technologies, Inc. Litigation (N.D. Cal.).

## BAR ADMISSIONS

- Tennessee
- U.S. District Court Middle District of Tennessee
- U.S. District Court Western District of Tennessee
- U.S. 6th Circuit Court of Appeals

## PROFESSIONAL HONORS & ACTIVITIES

### Awards

- Best Lawyers in America (2008)
- National Trial Lawyers, Top 100 (2019)
- U.S. Eighth Army Distinguished Leader Award

### Memberships

- American Bar Association
- Tennessee Bar Association
- Nashville Bar Association
- American Association of Justice

## PRESENTATIONS & PUBLISHED WORKS

- Tennessee Bar Association Litigation Forum CLE – “Legislative Update”
- Nashville Bar Association CLE, “Deposition Ethics: Strategies for Taking and Defending Depositions Without Running Afoul of the Model Rules of Professional Conduct”
- “Paul Krugman Unwittingly Fulfills Fiscal Fantasies for Republicans,” *The Hill* (Nov. 18, 2017)
- “Memo to Democratic Donors: the Path to Power Passes Through the States,” *The Hill* (Dec. 22, 2016)

## COMMUNITY INVOLVEMENT

- Chairman, Tennessee House Democratic Caucus
- Campaign Treasurer, Mayor Bill Purcell
- Past Member, Metro Nashville Emergency Communications Board
- Past President, Lockeland Springs Neighborhood Association
- Member, East End United Methodist Church

**SJG**  
STRANCH,  
JENNINGS  
& GARVEY  
PLLC





STRANCH, JENNINGS & GARVEY  
PLLC

## Class Action

Our firm has a long record of success representing plaintiffs in a substantial number of class action and mass tort cases in state and federal courts throughout the U.S. These cases include some of the most complicated litigation the courts have seen against some of the largest multinational companies. Through these cases, we defend the rights of clients harmed by defective products, pharmaceuticals, industry negligence or illegal practices.

Our attorneys have served as class counsel and as lead, co-lead and liaison counsel in landmark cases and national class actions involving data breach, wage and hour violations, anti-competitive practices, illegal generic drug suppression and bid rigging, defective products and violations of the Telephone Consumer Protection act.

- **In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB** (N.D. Cal.) (J. Breyer). Managing member Gerard Stranch served on the plaintiffs’ steering committee in a coordinated action consisting of nationwide cases of consumer and car dealerships. This action alleged that Volkswagen AG, Volkswagen Group of America and other defendants illegally installed so-called “defeat devices” in their vehicles, which allowed the cars to pass emissions testing but enabled them to emit nearly 40 times the allowable pollution during normal driving conditions. In October 2016, the court granted final approval to a settlement fund worth more than \$10 billion to consumers with two-liter diesel engines, and in May 2017, the court granted final approval to a \$1.2 billion settlement for consumers with three-liter diesel engines, and a \$357 million settlement with co-defendant Bosch.
- **In re: Davidson v. Bridgestone/Firestone, Inc. and Ford Motor Co. No. 00-C2298** (Davidson Circuit, Tennessee) (Soloman/ Brothers). The firm served as lead counsel in a nationwide class action against Bridgestone/Firestone, Inc. and Ford Motor Co. concerning defective tires. A settlement valued at \$34.4 million was reached in conjunction with a companion case in Texas.
- **In re: Cox v. Shell Oil et al., Civ. No. 18844** (Weakley Chancery, Tennessee) (Judge Malon). The firm intervened in a consumer class action composed of all persons throughout the United States who owned or purchased defective polybutylene piping systems used in residential constructions or mobile homes. A global settlement was reached that was valued at \$1 billion.
- **In re: M.S. Wholesale v. Westfax et al., 58CV-15-442** (Circuit Court of Pope County, Arkansas) (J. Sutterfield). The firm served as co-lead counsel on behalf of individuals and entities in a nationwide class action under the Telephone Consumer Protection Act (TCPA) involving the sending of illegal junk facsimiles. The court granted final approval to a class settlement worth \$5.45 million.
- **In re: Horton v. Molina Healthcare, Inc., 4:17-CV-0266-CVE-JFJ** (N.D. Okla.) (J. Eagan). The firm served as co-lead counsel on behalf of individuals and entities in this national class action under the TCPA regarding the sending of illegal junk facsimiles. The court granted final approval to a class settlement worth \$3.5 million.
- **In re: Heilman et al. v. Perfection Corporation, et al., Civ. No. 99-0679-CD-W-6** (W.D. Missouri). The firm served on the executive committee in a nationwide consumer class action composed of all owners or purchasers of a defective hot water heater. A settlement was reached that provided 100% recovery of damages for a possible 14.2 million hot water heaters and any other property damages.

### ATTORNEYS IN THIS PRACTICE AREA



Colleen Garvey



Hon. John (Jack) Garvey



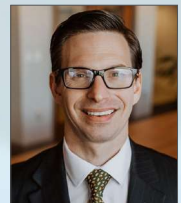
Michael Iadevaia



Kyle C. Mallinak



Nathan Martin



Andrew E. Mize



Marty Schubert



Jack Smith



Michael G. Stewart



J. Gerard Stranch IV



James C. Stranch III



K. Grace Stranch



STRANCH, JENNINGS & GARVEY  
PLLC

## Product Liability

**Our attorneys are well-versed in consumer protection laws and unfair trade practices acts, and have successfully advocated in state and federal courts for many notable cases throughout the U.S. These cases have resulted in multi-million-dollar recoveries for consumers who have been harmed by defective products, dangerous medications, misleading or improper advertising or marketing practices, fraud and other violations of the laws and acts. In addition, our attorneys have served as lead and co-lead counsel on numerous cases.**

- **In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB** (N.D. Cal.) (J. Breyer). The firm served on the plaintiffs’ steering committee in a coordinated action consisting of nationwide cases of consumer and car dealerships. This action alleged that Volkswagen AG, Volkswagen Group of America and other defendants illegally installed so-called “defeat devices” in their vehicles, which allowed the cars to pass emissions testing but enabled them to emit nearly 40 times the allowable pollution during normal driving conditions. In October 2016, the court granted final approval to a settlement fund worth more than \$10 billion to consumers with two-liter diesel engines. In May 2017, the court granted final approval to a \$1.2 billion settlement for consumers with three-liter diesel engines and a \$357 million settlement with co-defendant Bosch.
- **In re: Montanez v. Gerber Childrenswear, LLC** (M.D. Cal.). The firm represented consumers who purchased baby clothing tainted with unlawful levels of chemical skin irritants, resulting in a multi-million-dollar settlement.
- **In re: Davidson v. Bridgestone/Firestone, Inc. and Ford Motor Co. No. 00-C2298** (Davidson Circuit, Tennessee) (Soloman/ Brothers). The firm served as lead counsel in a nationwide class action against Bridgestone/Firestone, Inc. and Ford Motor Co. concerning defective tires. A settlement valued at \$34.4 million was reached in conjunction with a companion case in Texas.
- **In re: Cox v. Shell Oil et al., Civ. No. 18844** (Weakley Chancery, Tennessee) (Judge Malon). The firm intervened in consumer action composed of all persons throughout the United States who owned or purchased defective polybutylene piping systems used in residential constructions or mobile homes. A global settlement was reached that was valued at \$1 billion.
- **In re: Heilman et al. v. Perfection Corporation, et al., Civ. No. 99-0679-CD-W-6** (W.D. Missouri). The firm served on the executive committee in a nationwide consumer class action composed of all owners or purchasers of a defective hot water heater. A settlement was reached that provided 100% recovery of damages for a possible 14.2 million hot water heaters and any other property damages.

### ATTORNEYS IN THIS PRACTICE AREA



**Hon. John (Jack) Garvey**



**Isaac Kimes**



**J. Gerard Stranch IV**

# **EXHIBIT**

## **E**

**COTCHETT, PITRE & McCARTHY, LLP**  
**ATTORNEYS AT LAW**

SAN FRANCISCO BAY AREA | LOS ANGELES AREA  
NEW YORK | SEATTLE

WWW.CPMLEGAL.COM  
*U.S. District Court*

**OUR FIRM**

Cotchett, Pitre & McCarthy, LLP (“CPM”) based on the San Francisco Peninsula for over 45 years, engages exclusively in litigation and trials. The firm’s dedication to prosecuting or defending socially just actions has earned it a national reputation. With offices in the San Francisco Bay Area, Los Angeles, Seattle, and New York, the core of the firm is its people and their dedication to principles of law, their work ethic, and their commitment to justice.

We are trial lawyers dedicated to achieving justice.



**CPM’S EXPERIENCE IN ANTITRUST CASES**

**Lead or Co-Lead Experience**

CPM represents plaintiffs in the following antitrust class actions in which it serves or served as lead or co-lead counsel and has secured noteworthy results for American consumers and businesses:

***In re Automotive Parts Antitrust Litigation***

**United States District Court, Eastern District of Michigan**

CPM serves as co-lead counsel for end-payor plaintiffs against scores of automotive parts suppliers for allegedly engaging in massive conspiracies to fix the prices, rig the bids, and allocate the



markets of various automotive parts sold to automobile manufacturers, next sold to automobile dealerships, and then sold to consumers and businesses. *To date, CPM and its co-lead counsel have recovered over \$1.2 billion for the classes.*

***In re Broiler Chicken Antitrust Litigation***

**United States District Court, Northern District of Illinois**

CPM serves as co-lead counsel for commercial and institutional indirect purchasers against broiler chicken suppliers for allegedly engaging in a conspiracy to fix, raise, maintain, and stabilize the prices of broiler chickens by coordinating output and limiting production with the intended and expected result of increasing the prices of broiler chickens. *To date, CPM and its co-lead counsel have recovered over \$104 million for the classes.*

***In re Capacitors Antitrust Litigation***

**United States District Court, Northern District of California**

CPM serves as lead counsel for indirect purchasers of electrolytic and film capacitors against capacitor suppliers for allegedly engaging in two massive and separate conspiracies to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of electrolytic and film capacitors, respectively. *CPM recovered \$80.4 million for the classes.*

***In re Domestic Airline Travel Antitrust Litigation***

**United States District Court, District of Columbia**

CPM and Adam J. Zapala serve as co-lead counsel for purchasers of air transportation against American Airlines, Inc., Delta Airlines, Inc., Southwest Airlines Co., and United Airlines, Inc. for allegedly engaging in a conspiracy to restrict capacity and thereby raise prices for air passenger transportation services. *To date, CPM and its co-lead counsel have recovered \$60 million for the class.*

***In re Freight Forwarders Antitrust Litigation***

**United States District Court, Eastern District of New York**

CPM served as co-lead counsel for purchasers of freight forwarding services from freight forwarders who allegedly engaged in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of freight forwarding services. *CPM and its co-lead counsel recovered approximately \$450 million for the class.*

***In re Lithium Batteries Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as co-lead counsel for indirect purchasers of lithium-ion batteries against lithium-ion battery suppliers for allegedly engaging in a conspiracy to fix the prices of these products. *CPM and its co-lead counsel recovered \$113 million for the classes.*

***In re Transpacific Passenger Air Transportation Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served as co-lead counsel for purchasers of air transportation against 13 Asian and Oceanic airlines for allegedly engaging in a conspiracy to fix the prices of discount fares and fuel surcharges on long-haul passenger flights for transpacific routes. *CPM and its co-lead counsel recovered*



*over \$148 million for the classes.*

***In re Cattle and Beef Antitrust Litigation***

**United States District Court, District of Minnesota**

CPM serves as co-lead counsel for direct purchaser plaintiffs against beef processing and packing defendants for allegedly engaging in a conspiracy to constrain beef supplies in the United States, thereby artificially inflating domestic beef prices. *To date, CPM and its co-lead counsel have recovered \$52.5 million for the class.*

***In re Resistors Antitrust Litigation***

**United States District Court, Northern District of California**

CPM served lead counsel for indirect purchasers of linear resistors against resistor suppliers for allegedly engaging in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of linear resistors. *CPM recovered \$33.4 million for the classes.*

**Executive Committee or Steering Committee Experience**

CPM represents plaintiffs in the following antitrust class actions in which it serves as a member of the Executive Committee or Steering Committee:

***In re Cathode Ray Tube (CRT) Antitrust Litigation***

**United States District Court, Northern District of California**

CPM serves as a member of the Executive Committee and represents direct purchasers against CRT manufacturers for allegedly engaging in a conspiracy to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of CRTs. *To date, counsel for direct purchaser plaintiffs recovered over \$212 million for the class.*

***In re Farm-Raised Salmon and Salmon Products Litigation***

**United States District Court, Southern District of Florida**

CPM serves as a member of an informal Executive Committee and represents a class of indirect salmon buyers against Norwegian salmon-farming companies for allegedly coordinating price hikes of salmon and salmon products. Counsel for indirect purchaser plaintiffs recovered \$33 million for the classes.

***In re Generic Pharmaceuticals Pricing Antitrust Litigation***

**United States District Court, Eastern District of Pennsylvania**

CPM and Adam J. Zapala serve as a member of the Steering Committee member and represent end-payor plaintiffs of generic drugs against dozens of generic drug manufacturers for alleged engaging in conspiracies to unlawfully inflate, fix, raise, maintain, and/or artificially stabilize the prices of dozens of generic drugs.

## ATTORNEYS AT CPM ON THE REALPAGE TEAM

**Adam Zapala** is a Partner at Cotchett, Pitre & McCarthy, LLP, where he focuses on complex litigation, including antitrust, employment & civil rights, privacy & cybersecurity, *qui tam*/false claims, consumer protection and class actions generally.

Mr. Zapala has served as lead counsel, or in other court-appointed leadership positions, in some of the largest and most complex litigation matters in the United States and has obtained outstanding results. Mr. Zapala is known for his deep understanding of antitrust law and class action practice and procedure. Mr. Zapala has been recognized by courts, his peers, and by various publications for his outstanding work. Since 2014, Mr. Zapala has been recognized as a *Super Lawyer Rising Star*, or *Super Lawyer*. In 2019, the American Antitrust Institute (“AAI”) recognized the work of Mr. Zapala and his colleagues in the groundbreaking *Auto Parts* antitrust litigation, where CPM represents the end-payor plaintiffs and have recovered over \$1 billion in settlements on their behalf. The *Daily Journal* has repeatedly honored Mr. Zapala as one of the top antitrust lawyers in California. His work on cases has regularly appeared in *Top Settlements & Verdicts*.

Mr. Zapala received a B.A. from Stanford University and his J.D. from University of California, Hastings College of the Law. Mr. Zapala currently serves as the President of the Legal Aid Society of San Mateo County. He also previously served as a staff attorney with Bay Area Legal Aid, where he focused on representing indigent clients in a wide variety of civil litigation matters. Mr. Zapala also has legislative and policy experience, working on Capitol Hill as a policy aide for Senator Ron Wyden (D- Oregon) in Washington D.C. While at Stanford University, Mr. Zapala became a four-time Academic All-American, a four-time All-American, and Captain of the Stanford Men’s Soccer Team. In 2001, he was drafted in the Major League Soccer (“MLS”) Super Draft by the Dallas Burn (now FC Dallas).

**Karin Swope** is a Partner with Cotchett, Pitre & McCarthy, LLP’s where she represents clients in antitrust and consumer protection litigation, securities litigation, privacy litigation and intellectual property counseling. Karin has represented clients for over 25 years in proceedings in state and federal courts across the country, as well as before the USPTO. She helped consumers fight against unfair and deceptive practices, and has helped to change consumer protection law in the process. She has been appointed as co-lead counsel and to steering committees in antitrust and consumer cases, including cases against Apple and Intelius.

She has served as an attorney for the lead counsel on the Nurse Wage Antitrust litigation, the Cedar Shake Antitrust Litigation, and the Hard Disk Drive Antitrust Litigation. She has represented companies and sovereign nations in protecting their intellectual property rights. She has protected the retirement funds of employees whose employers had breached their fiduciary duties in violation of ERISA, in cases against Washington Mutual, State Street Bank and Regions Financial Corporation, among others. She has also represented shareholders in complex securities litigation, including disputes involving breach of fiduciary duty.

Since 2008, Karin has served as an Adjunct Professor at Seattle University School of law, where she has taught the Intellectual Property Art Law Clinic. She has previously served as President of Executive Committee of the Intellectual Property Section of the Washington State Bar Association and is a member of the Western Washington Federal Bar Association Local Rules Committee. She has presented and/or co-chaired numerous CLE's on topics ranging from E-Discovery practices to Intellectual Property. Following her graduation from Columbia Law School, Karin served as a law clerk to the Honorable John C. Coughenour in the U.S. District Court for the Western District of Washington, and as a law clerk to the Honorable Robert E. Cowen of the U.S. Court of Appeals, Third Circuit.

**Elizabeth Castillo** is a partner at Cotchett, Pitre & McCarthy, LLP. Her practice focuses on complex litigation and, specifically, antitrust class actions. Ms. Castillo's successes include representing End-Payor Plaintiffs in *In re Automotive Parts Antitrust Litigation (Auto Parts)*, a multidistrict litigation pending in the Eastern District of Michigan. *Auto Parts* concerns the bid-rigging, price-fixing, and market allocation of scores of automotive parts and has become the largest indirect purchaser class action in terms of settlement value in history. In 2022, the *Daily Journal* named Ms. Castillo to its 2022 Top Antitrust Lawyers list, a recognition of the leading 25 antitrust attorneys in California. She also received the American Antitrust Institute's Outstanding Antitrust Litigation Achievement by a Young Lawyer Award in 2016 and Outstanding Antitrust Litigation Achievement in Private Law Award in 2019 for her work on *Auto Parts*.

Since she began practicing law in 2011, Ms. Castillo has represented clients in both federal and state courts and at all stages of litigation, including discovery, trial, and appeals. While she is involved in all aspects of the cases she litigates, she places emphasis on her discovery and settlement strategy work. She occasionally litigates other types of cases. For example, she was part of a trial team that obtained a multimillion-dollar economic loss jury verdict for a former Major League Baseball pitcher in 2018. Ms. Castillo has been named to Super Lawyers for 2022 and a Super Lawyers Northern California Rising Star from 2015 to 2021.

Ms. Castillo earned her J.D. from the University of California, Hastings College of the Law (UC Hastings) in 2011. Ms. Castillo received her B.A. in Economics and Political Science, with a concentration in Public Policy, from Boston University (BU) in 2008. At BU, she interned at an international law firm and business advocacy organization in London and Sydney, respectively, during her third year. Ms. Castillo has national and state legislative experience. She interned for then-U.S. Representative Neil Abercrombie (D-Hawaii, 1991-2010; Governor of Hawaii, 2010-2014) in Washington, D.C. and State Representative Scott Nishimoto (D-Hawaii, 2003-present) in Honolulu.

# EXHIBIT

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At DiCello Levitt, we're dedicated to achieving justice for our clients. Our lawyers are highly respected for their ability to litigate and win cases – whether by trial, settlement, or otherwise – for people who have suffered harm, global corporations that have sustained significant economic losses, and public clients seeking to protect their citizens' rights and interests. Every day, we put our reputations – and our capital – on the line for our clients. Through our billions in recoveries, we've helped raise the bar for corporate conduct and responsibility, paving the way for a more just and equitable world.

## Antitrust and Competition Practice

DiCello Levitt's highly-regarded antitrust attorneys have led the charge on some of the most significant private antitrust litigation over the last several decades, and the firm's Antitrust and Competition Litigation Practice is nationally recognized for successes in challenging global anticompetitive conduct. Our singular focus is to help businesses and consumers right the wrongs against them through aggressive advocacy and skilled problem-solving. The practice's sophisticated client base includes small businesses, large corporations, public pension funds, health and welfare funds, municipalities and related quasi-government agencies, and individual consumers.

Our team of experienced antitrust attorneys is regularly appointed lead or co-lead plaintiffs' counsel, and it has been recognized by courts for its diversity and commitment to providing real opportunities to attorneys from historically underrepresented groups. The antitrust attorneys at DiCello Levitt have litigated some of the largest federal and state antitrust class action lawsuits in the U.S., often filing the first case and advancing novel theories through our efforts. The firm handles claims ranging from price-fixing and market allocation conspiracies among competitors to monopolization of markets by industry giants. DiCello Levitt also combines its antitrust expertise with its experience in representing governmental entities. For instance, DiCello Levitt represents the State of New Mexico in connection with several price-fixing conspiracies. The firm's antitrust attorneys have garnered national and international recognition, including *Chambers & Partners* and *The Legal 500*. We are leaders in the antitrust field, including in bar associations and other antitrust organizations.



The antitrust attorneys at DiCello Levitt have a distinguished record of success in prosecuting multi-district litigation involving international price-fixing cartels (detailed below). Notably, the firm's antitrust attorneys have helped secure billion-dollar recoveries, including in *In re Air Cargo Shipping Services Antitrust Litigation* (over \$1.2 billion in recoveries from nearly 30 global airlines) and *Alaska Electrical Pension Fund v. Bank of America, Corp.* (over \$500 million from several major dealer banks).

The firm's antitrust attorneys are also trial-ready and have litigated matters up to and through trial. The firm's attorneys went to trial for three weeks in *In re Opana ER Antitrust Litigation* and, mid-trial, reached a settlement of \$15 million with one of the defendants on behalf of classes of consumers and health plans. Additionally, in *In re Automotive Lighting Products Antitrust Litigation*, our antitrust attorneys demonstrated a willingness to litigate a global price-fixing conspiracy involving automotive lighting products all the way to trial, with the last remaining defendants settling shortly before trial for \$25 million, bringing total recoveries to over \$50 million for class members.

## Notable Successes

***In re Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775 (E.D.N.Y.)** Co-lead counsel (2006-2013) in a class action alleging a global conspiracy to fix surcharges for air cargo shipping services. Secured more than \$1.2 billion in settlements.

***Alaska Electrical Pension Fund v. Bank of America, Corp.*, No. 14-cv-7126 (S.D.N.Y.)** Class counsel in a class action alleging a conspiracy to manipulate ISDAFIX, a benchmark for valuing various interest rate derivatives. Secured \$504.5 million in settlements.

***In re Aftermarket Automotive Lighting Products Antitrust Litigation*, No. 09-ml- 02007 (C.D. Cal.)** Co-lead counsel in a class action alleging several manufacturers participated in an international conspiracy to fix the prices of aftermarket automotive lighting products. Secured more than \$50 million in settlements.

***In re Novartis and Par Antitrust Litigation*, No. 1:18-cv-04361 (S.D.N.Y.)** Lead counsel for end-payors in a class action alleging that defendants entered into an anticompetitive pay-for-delay agreement. Secured a \$30 million settlement (approval pending).

***In re Surescripts Antitrust Litigation*, No. 19-cv-06627 (N.D. Ill.)** Co-lead counsel in a class action alleging conspiracy to monopolize the e-prescription services market. Secured a \$10 million settlement from one defendant and continue to litigate against two others.

***Fusion Elite All Stars v. Varsity Brands, LLC*, No. 2:20-cv-2600 (W.D. Tenn.)** Co-lead counsel in a class action alleging monopolization against the largest competition producer



in the market for All Star Cheer and the allegedly independent oversight body for the sport. Secured a \$43.5 settlement plus significant injunctive relief (final approval pending).

***In re European Government Bonds Antitrust Litigation, No. 19-cv-2601 (S.D.N.Y.)*** Co-lead counsel in a class action alleging that global banks manipulated the price of European government bonds issued by sovereign European governments. Obtained \$13 million in partial settlements and continue to litigate against remaining defendants.

***In re Opana ER Antitrust Litigation, No. 14-cv-10150 (N.D. Ill.)*** Co-lead counsel for end-payers and secured a \$15 million settlement midtrial in a class action alleging that drug manufacturers entered into an anticompetitive pay-for-delay agreement.

## Ongoing Litigation

***Borozny v. Pratt & Whitney, No. 21-cv-01657 (D. Conn.)*** Co-lead counsel in a class action alleging that aerospace industry manufacturer and several other companies unlawfully agreed not to hire each other's employees.

***In re Generic Pharmaceuticals Pricing Antitrust Litigation, No. 16-md-02724 (E.D. Pa.)*** Appointed to PSC on behalf of end-payers in a class action alleging that over 35 pharmaceutical manufacturers conspired to fix the prices of and allocate customers and markets for over 200 generic drugs.

***In re Platinum and Palladium Antitrust Litigation, No. 14-cv-9391 (S.D.N.Y.)*** Co-lead counsel in a class action alleging that platinum and palladium dealers conspired to manipulate prices of those products during the London Platinum and Palladium Fixings.

***Ohio Carpenters Pension Fund, et al. v. Deutsche Bank AG, et al., No. 1:22-cv-10462 (S.D.N.Y.)*** Co-lead counsel in a class action alleging that global banks manipulated prices of European government-issued bonds in the secondary market.

***In re Bystolic Antitrust Litigation, No. 20-cv-05735 (S.D.N.Y.)*** Co-lead counsel in a class action alleging that drug manufacturers entered into unlawful pay-for-delay agreement that restrained generic competition.

***In re Xyrem (Sodium Oxybate) Antitrust Litigation, No. 5:20-md-02966 (N.D. Cal.)*** Appointed to PSC in a class action alleging that drug manufacturers entered into pay-for-delay agreements, among other anticompetitive conduct.

***In re Crop Inputs Antitrust Litigation, No. 21-md-02993 (E.D. Mo.)*** Appointed to PSC in a class action alleging crop input manufacturers, wholesalers, and retailers agreed to jointly boycott competing companies selling crop inputs online at lower prices.





**Greg Asciolla**  
Partner

**EMAIL**

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**EDUCATION**

Catholic University of America, J.D.

Boston College, A.B., *cum laude*

Greg Asciolla is Managing Partner of DiCello Levitt's New York office, where he also serves as Chair of the firm's Antitrust and Competition Litigation Practice and Co-Chair of the firm's DEI Committee. Greg focuses on representing businesses, pension funds, and health funds in complex class actions, including those involving price-fixing, monopolization, and pay-for-delay agreements. He also has successfully represented, pro bono, three Ugandan LGBTQ clients seeking U.S. asylum.

Recovering billions on behalf of his clients, Greg leads extensive investigations into potential anticompetitive conduct, often resulting in first-to-file cases. Prior to joining DiCello Levitt, Greg chaired a nationally-recognized antitrust practice group as a partner and oversaw significant growth in group size, leadership appointments, cases filed, investigations, and reputation. He also served as a partner in the antitrust practice group at a top-ranked AmLaw100 firm. Greg began his career as an attorney at the U.S. Department of Justice's Antitrust Division.

Greg is regularly appointed to leadership positions in major antitrust cases in federal courts throughout the United States, including *Generic Drugs Pricing Antitrust Litigation*, *European Government Bonds Antitrust Litigation*, *Platinum & Palladium Antitrust Litigation*, *Surescripts Antitrust Litigation*, *Crop Inputs Antitrust Litigation*, *Borozny v. Raytheon*, *Fusion Elite v. Varsity Brands*, and *Novartis & Par Antitrust Litigation*.

Named a "Titan of the Plaintiffs Bar" by *Law360* as well as a leading plaintiffs' competition lawyer by *Global Competition Review* and Chambers & Partners USA, Greg is often recognized for his experience and involvement in high-profile cases. He has been named a "Leading Plaintiff Financial Lawyer" by *Lawdragon*, a "Litigation Star" by *Benchmark Litigation*, and a "Leading Lawyer" and a "Next Generation Lawyer" by *The Legal 500*, with sources describing him as "very effective plaintiffs' counsel" and "always act[ing] with a good degree of professionalism."

Greg makes substantial contributions to the antitrust bar. He is a member of the Executive Committee of the New York State Bar Association's Antitrust Law Section, where he serves as Finance Officer. He also serves as Vice-Chair of the ABA's Diversity.Advanced Committee, Co-Chairman of the Antitrust and Trade Regulation Committee of the N.Y. County Lawyers' Association and Treasurer and Membership Director of the Committee to Support the Antitrust Laws. Greg is an annual invitee of the exclusive Antitrust Forum, serves as the U.S. representative to the Business & Banking Litigation Network, and is on the Advisory Board of the American Antitrust Institute.



**Karin Garvey**  
Partner

**EMAIL**

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**EDUCATION**

Northwestern University Pritzker  
School of Law, J.D., *cum laude*

Harvard University, A.B., *cum laude*

Karin E. Garvey is a partner in the New York office of DiCello Levitt and a member of the Antitrust and Competition practice group. With more than twenty-five years of litigation experience, Karin focuses on representing businesses and public pension funds in complex antitrust class actions.

Having spent 18 years on the defense side, Karin is uniquely able to deploy the knowledge she gained as defense counsel to the strategic advantage of her clients on the plaintiffs' side. Karin brings significant experience to managing complex, multi-jurisdictional cases from initial case development through resolution and appeal and has engaged in all phases of trial preparation and trial and has briefed and argued appeals.

Karin has been appointed lead or co-lead counsel in multiple antitrust class actions, including *Fusion Elite All Stars v. Varsity Brands, LLC* (W.D. Tenn.) (representing a proposed class of direct purchasers in a case alleging monopolization and conspiracy to monopolize again the largest producer of All Star Cheerleading events and the sport's governing body); *In re Sensipar (Cinacalcet HCl) Antitrust Litigation* (D. Del.) (representing a proposed class of indirect purchasers of the drug Sensipar in a case alleging that defendants conspired to delay the entry of generic competition for that drug); and *In re Surescripts Antitrust Litigation* (N.D. Ill.) (representing a proposed class of pharmacies who have charged the largest provider of e-prescription services of anticompetitive conduct). Karin was also appointed to the Plaintiff's Steering Committee in *In re Xyrem (Sodium Oxybate) Antitrust Litigation* (N.D. Cal.) and *In re Crop Inputs Antitrust Litigation* (E.D. Mo.). Karin recently tried a case to verdict on behalf of the end-payor plaintiff class in *In re Opana ER Antitrust Litigation* (N.D. Ill.), playing a large role at the jury trial, including delivering significant portions of the plaintiffs' opening statement and closing argument. While on the defense side, Karin led the defense of a branded pharmaceutical company in *In re Skelaxin (Metaxalone) Antitrust Litigation* (E.D. Tenn.) up through a jury verdict in a pay-for-delay case.

Karin is recommended by *Chambers & Partners USA*, Band 2 for Antitrust Mainly Plaintiff in New York, and *The Legal 500* for excellence in the antitrust practice. She has been described as "an experienced and thoughtful litigator. She has been in the trenches and knows how to work through complex issues." She has also been recognized by *Lawdragon* as one of the "Leading Plaintiff Financial Lawyers in America." Karin is regularly asked to participate on panels at class action and antitrust conferences, and she serves as an adjunct faculty member in the trial advocacy program at Northwestern University Pritzker School of Law.

# **EXHIBIT**

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## Inside the Firm

We are a nationally recognized leader in high-stakes plaintiffs' work, ranging from class and mass actions, to public client investigations and prosecutions.

[edelson.com](https://www.edelson.com)



# Who We Are

EDELSON PC is a law firm concentrating on high stakes plaintiff's work ranging from class and mass actions to public client investigations and prosecutions. The cases we have litigated—as either lead counsel or as part of a broader leadership structure—have resulted in settlements and verdicts totaling over \$45 billion.

- ▶ We hold records for the largest jury verdict in a privacy case (\$925m), the largest consumer privacy settlement (\$650m), and the largest TCPA settlement (\$76m). We also secured one of the most important consumer privacy decisions in the U.S. Supreme Court (*Robins v. Spokeo*). Our class actions, brought against the national banks in the wake of the housing collapse, restored over \$5 billion in home equity credit lines. We served as counsel to a member of the 11-person Tort Claimant's Committee in the PG&E Bankruptcy, resulting in a historic \$13.5 billion settlement. We are the only firm to have established that online apps can constitute illegal gambling under state law, resulting in settlements that are collectively worth \$651 million. We are co-lead counsel in the NCAA personal injury concussion cases, leading an MDL involving over 300 class action lawsuits. And we are representing, or have represented, regulators in cases involving the deceptive marketing of opioids, environmental cases, privacy cases against Facebook, Uber, Google and others, cases related to the marketing of e-cigarettes to children, and cases asserting claims that energy companies and for-profit hospitals abused the public trust.
- ▶ We have testified before the United States Senate and state legislative and regulatory bodies on class action and consumer protection issues, cybersecurity and privacy (including election security, children's privacy and surreptitious geotracking), sex abuse in children's sports, and gambling, and have repeatedly been asked to work on federal, state, and municipal legislation involving a broad range of issues. We speak regularly at seminars on consumer protection and class action issues, and routinely lecture at law schools and other graduate programs.
- ▶ We have a "one-of-a-kind" investigation team that sets us apart from others in the plaintiff's bar. Our dedicated "internal lab of computer forensic engineers and tech-savvy lawyers" investigate issues related to "fraudulent software and hardware, undisclosed tracking of online consumer activity and illegal data retention," among numerous other technology related issues facing consumers. Cybersecurity & Privacy Practice Group of the Year, Law360 (January 2019).

# Natasha Fernández-Silber

Partner

Specializes in generic drug suppression cases involving “pay-for-delay” deals & other anticompetitive schemes.

**Natasha's practice focuses on antitrust class actions and other forms of complex litigation.**

- ▶ Prior to joining Edelson, Natasha was a partner at a boutique antitrust class action firm where she specialized in generic drug suppression cases involving “pay-for-delay” deals and other anticompetitive schemes. She has also represented purchasers of e-cigarettes, textbooks, pesticides, and other consumer products
- ▶ Representative cases decisions include: *Reece v. Altria Group*, No. 20-02345 (N.D. Cal.) – Steering Committee member representing direct purchasers of Juul products in suit alleging anticompetitive agreement between Juul and Altria; *In re Inclusive Access Course Materials Antitrust Litig.*, No. 20-02946 (S.D.N.Y.) – Appointed Co-Lead Interim Counsel on behalf of college students alleging textbook publishers and retailers conspired to restrict sales of course materials to specific online format to foreclose competition and raise prices; *In re Actos Antitrust Litig.*, No. 15-03278 (S.D.N.Y.) – Counsel for direct purchasers in suit alleging Takeda delayed generic competition for diabetes drug by misrepresenting scope of patents listed in Orange Book; *In re Ranbaxy Generic Drug Application Antitrust Litig.*, No. 19-02878 (D. Mass.) – Counsel for direct purchasers in suit alleging Ranbaxy fraudulently obtained tentative ANDA approvals (and first-to-file exclusivities), delaying generic competition in three drug markets; *In re Intuniv Antitrust Litig.*, No. 16-12653 (D. Mass.) – Counsel for direct purchasers in suit alleging reverse payment scheme to monopolize market for ADHD drug.
- ▶ Natasha clerked for the Honorable Ann Claire Williams on the Seventh Circuit Court of Appeals.
- ▶ Natasha received her J.D. from the New York University School of Law.
- ▶ Natasha is admitted in New York, Michigan, Southern District of New York, Seventh Circuit Court of Appeals.

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# Yaman Salahi

Partner

Secured \$465m in pandemic assistance for incarcerated people & recovered over \$100m for workers challenging no-poach agreements.

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Yaman spearheads the firm's antitrust practice, and has experience litigating consumer protection, civil rights, privacy, and administrative law claims, including in complex class action proceedings and multi- district litigation.

- ▶ Yaman devised the legal strategy, researched the legal theories, and briefed all merits motions challenging the Trump administration's denial of COVID-19 stimulus relief under the CARES Act to people in prison. Yaman was the lead author of the winning motion for class certification, preliminary injunction, and summary judgment, which ultimately resulted in over \$465 million in cash assistance to over 385,000 people living in prison, and prevented the IRS from recouping over \$1 billion already issued. Yaman also authored a successful opposition to the IRS's attempt in the Ninth Circuit Court of Appeals to stay the district court's rulings pending appeal. *Scholl v. Mnuchin*, No. 20-cv-5309-PJH (N.D. Cal.).
- ▶ In antitrust no-poach litigation, Yaman helped obtain a \$54.5 million settlement for medical professors and \$19 million for other faculty at Duke University and University of North Carolina-Chapel Hill, and \$48.95 million for railway industry workers.
- ▶ Yaman briefed, argued, and won an appeal in the Eleventh Circuit establishing that franchisors and their franchisees constitute separate entities capable of conspiracy under the antitrust laws, a question of first impression. *Arrington v. Burger King Worldwide, Inc., et al.*, 47 F. 4th 1247 (11th Cir. 2022).
- ▶ Before joining Edelson PC, Yaman was a Partner at another prominent plaintiff-side class action firm in San Francisco.
- ▶ From 2017-2018, Yaman served as a judicial law clerk for the Honorable Edward M. Chen in the Northern District of California.
- ▶ From 2013-2016 Yaman worked as a Staff Attorney in the National Security and Civil Rights Program at Asian Americans Advancing Justice-Asian Law Caucus, where he focused on legal issues surrounding government surveillance and freedom of speech, and an Arthur Liman Fellow at the American Civil liberties Union of Southern California.
- ▶ Yaman received his J.D. Yale Law School in 2012.



# Shawn Davis

Chief Information Officer

Experience testifying in federal court, briefing members of U.S. Congress on Capitol Hill.

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Shawn leads a technical team in investigating claims involving privacy violations and tech-related abuse. His team's investigations have included claims arising out of the fraudulent development, marketing, and sale of computer software, unlawful tracking of consumers through digital devices, unlawful collection, storage, and dissemination of consumer data, large-scale data breaches, receipt of unsolicited communications, and other deceptive marketing practices.

- ▶ Shawn has experience testifying in federal court, briefing members of U.S. Congress on Capitol Hill, and is routinely asked to testify before legislative bodies on critical areas of cybersecurity and privacy, including those impacting the security of our country's voting system, issues surrounding children's privacy (with a special emphasis on surreptitious geotracking), and other ways data collectors and aggregators exploit and manipulate people's private lives. Shawn has taught courses on cybersecurity and forensics at the undergraduate and graduate levels and has provided training and presentations to other technology professionals as well as members of law enforcement, including the FBI.
- ▶ Shawn's investigative work has forced major companies (from national hotel chains to medical groups to magazine publishers) to fix previously unrecognized security vulnerabilities. His work has also uncovered numerous issues of companies surreptitiously tracking consumers, which has led to groundbreaking lawsuits
- ▶ Prior to joining Edelson PC, Shawn worked for Motorola Solutions in the Security and Federal Operations Centers as an Information Protection Specialist. Shawn's responsibilities included network and computer forensic analysis, malware analysis, threat mitigation, and incident handling for various commercial and government entities.
- ▶ Shawn is an Adjunct Industry Associate Professor for the School of Applied Technology at the Illinois Institute of Technology (IIT) where he has been teaching since December of 2013. Additionally, Shawn is a faculty member of the IIT Center for Cyber Security and Forensics Education which is a collaborative space between business, government, academia, and security professionals. Shawn's contributions aided in IIT's designation as a National Center of Academic Excellence in Information Assurance by the National Security Agency.
- ▶ Shawn graduated with high honors from the Illinois Institute of Technology with a Masters of Information Technology Management with a specialization in Computer and Network Security. During graduate school, Shawn was inducted into Gamma Nu Eta, the National Information Technology Honor Society.